CHARTER

OF THE

CITY OF WYOMING, OHIO

TABLE OF CONTENTS

EDITOR'S NOTE: The Wyoming Charter was approved by the voters on November 3, 1981. Dates appearing in parentheses following sections headings indicate those sections were subsequently amended, added or repealed on the date given.

PREAMBLE

ARTICLE I - NAME, BOUNDARIES, AND FORM OF GOVERNMENT

Section 1.01 Name and Boundaries.
Section 1.02 Form of Government.

ARTICLE II - CORPORATE POWERS

Section 2.01 Powers Granted.
Section 2.02 Manner and Exercise of Powers.
Section 2.03 Construction of Charter

ARTICLE III - COUNCIL

Section 3.01 Number and Term.
Section 3.02 Qualifications.
Section 3.03 Organization of Council. (11-8-11)
Section 3.04 Mayor: Election, Term, Qualifications and Powers. (11-8-16)
Section 3.05 Vice Mayor. (11-8-16)
Section 3.06 Clerk of Council. (11-8-11)
Section 3.07 Council Meetings. (11-8-16)
Section 3.08 Compensation and Expenses.
Section 3.09 Removal and Vacancies. (11-8-16)

ARTICLE IV - THE CITY MANAGER

Section 4.01 Appointment.
Section 4.02 Qualifications. (11-5-91; 11-8-11)
Section 4.03 Powers and Duties. (11-5-91)
Section 4.04 Acting City Manager. (11-5-91)
Section 4.05 Council-Manager Relations. (11-5-91)
Section 4.06 Purchases and Contracts. (11-8-16)
Section 4.07 Removal.

ARTICLE V - ADMINISTRATIVE DEPARTMENTS

Section 5.01 Solicitor. (11-5-91; 11-8-11)
Section 5.02 Treasurer.

ARTICLE VI - COMMISSIONS
Section 6.01 Civil Service Commission: Membership.
Section 6.02 Civil Service Commission: Powers, Duties and Jurisdiction.
Section 6.03 Planning Commission: Membership. (11-4-86; 11-8-11)
Section 6.04 Planning Commission: Powers and Duties.

ARTICLE VII - ORDINANCES AND RESOLUTIONS
Section 7.01 Action To Be Taken by Ordinance or Resolution.
Section 7.02 Subject of Ordinances and Resolutions.
Section 7.03 Majority Required.
Section 7.04 Procedure of Passage of Non-Emergency Ordinances.
Section 7.05 Second Reading, Third Reading, and Final Adoption.
Section 7.06 Amendment of Ordinances and Resolutions.
Section 7.07 Rule Suspension.
Section 7.08 Effective Date.
Section 7.09 Procedure of Passage of Emergency Ordinances. (11-5-91)

ARTICLE VIII - NOMINATIONS AND ELECTIONS
Section 8.01 Regular Municipal Elections.
Section 8.02 Nominations. (11-8-16)
Section 8.03 Special Elections.

ARTICLE IX - INITIATIVE, REFERENDUM, AND RECALL
Section 9.01 Initiative.
Section 9.02 Referendum.
Section 9.03 Petitions for Initiative and Referendum. (11-8-11)
Section 9.04 Referendum Petitions: Suspension of Effect of Ordinance.
Section 9.05 Recall.

ARTICLE X - FINANCE, TAXATION AND DEBT
Section 10.01 Budget. (11-4-86)
Section 10.02 Operating Levy.
Section 10.03 Other Tax Levies.
Section 10.04 Debt Service Levy.
Section 10.05 Capital Improvements Program.
Section 10.06 Annual Audits. (11-5-91)
Section 10.07 Debt and Tax Limitations.

ARTICLE XI - GENERAL PROVISIONS
Section 11.01 Ordinances in Effect.
Section 11.02 Vested Rights.
Section 11.03 Removal of Appointees from Commissions and Boards.
Section 11.04 Succession of Powers.
Section 11.05 Amendment to Charter.
Section 11.06 Effect of Partial Invalidity.
Section 11.07 Oath of Office.

ARTICLE XII - TRANSITIONAL PROVISIONS
Section 12.01 Effective Date of Amendment of Charter.
Section 12.02 Continuance of Present Officials and Employees.

CHARTER

OF THE

CITY OF WYOMING, OHIO

PREAMBLE

We, the people of the City of Wyoming, Ohio, in order to continue to secure home rule and in order to preserve the present character of the City of Wyoming, do adopt the following Amendment to the Charter for the Government of the City of Wyoming, by amending the existing Charter of the City of Wyoming in its entirety.

ARTICLE I
NAME, BOUNDARIES, AND FORM OF GOVERNMENT

SECTION 1.01 NAME AND BOUNDARIES.
The inhabitants of the City of Wyoming, Ohio within the corporate limits as established at the time of the adoption of this Charter, or as thereafter established in the manner provided by law, shall be and continue to be a municipal corporation under the name of "The City of Wyoming". The corporation will hereinafter be referred to as "the City".

SECTION 1.02 FORM OF GOVERNMENT.
The form of government provided in this Charter shall be known as the "Council-Manager Plan". The powers and functions of the municipal government shall be distributed among the City, its citizens, and the various officers, boards and commissions as provided in this Charter.

ARTICLE II
CORPORATE POWERS

SECTION 2.01 POWERS GRANTED.
The City shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Ohio Constitution and the laws of the State of Ohio.

SECTION 2.02 MANNER AND EXERCISE OF POWERS.
All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be provided by ordinance of the Council, and when not prescribed in this Charter or provided by ordinance of Council, then such powers shall be exercised in the manner provided by the general laws of the State of Ohio until the Council shall provide a different manner of exercising such powers.

SECTION 2.03 CONSTRUCTION OF CHARTER.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers of the Charter shall not be construed as limiting in any way the general power stated in this article.

ARTICLE III
COUNCIL

SECTION 3.01 NUMBER AND TERM.

The legislative powers of the City, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members. All members of Council shall be elected at large for terms of two (2) years.

Members of Council shall take office December 1 of the year of their election and shall serve until the expiration of their term of office and until their successors are elected and qualified.

SECTION 3.02 QUALIFICATIONS.

All members of Council shall have been qualified electors and residents of the City for at least one year immediately prior to the time of filing for office, and shall continue to be qualified electors of the City during their respective terms of office. No member of Council shall hold any other office or employment with the City, except as otherwise allowed by this Charter or by ordinance of the Council.

Any member of Council who shall cease to possess or who violates any of the qualifications of office herein provided; who is finally convicted of a crime involving moral turpitude; or who fails to attend three consecutive regular meetings of the Council, unless such absence is excused by a majority vote of the members present at such meeting or a subsequent meeting of the Council, shall be subject to forfeiture of his office in the manner provided by Section 3.09 of this Charter. A member of Council shall not vote upon the question of his removal or whether his absence from a regular meeting shall be excused. Failure to maintain such qualifications shall not render void or ineffective any action of the Council in which such member participated.

SECTION 3.03 ORGANIZATION OF COUNCIL.

On the 1st day of December in each odd numbered year, the Council shall meet in Council chamber for the purpose of organization. The Council may adopt its own rules, regulation and by-laws, but such shall not be in conflict with this Charter.
(Amended 11-8-11)

SECTION 3.04 MAYOR: ELECTION, TERM, QUALIFICATIONS AND POWERS.

At the time of the organization of Council, Council shall choose by a majority vote one of its members as Mayor who shall assume office at the time of such selection and shall hold office until such successor is elected and qualified.

The Mayor shall be the presiding officer of the Council, in addition to such powers, rights and duties as a member of Council. In addition to the duties as the presiding officer of the Council, the Mayor shall act as the ceremonial head of the City, administer oaths, exercise all the judicial powers which are conferred upon Mayors by the laws of Ohio, including the authority to appoint a Mayor's Court magistrate at the discretion of the Mayor and with the approval of Council, and perform such other powers and duties as are elsewhere provided in this Charter or provided by the Council. The Mayor shall not have a veto power over matters considered by the Council, nor shall the Mayor interfere with the powers and duties of the City Manager in the supervision and conduct of the affairs of the administrative departments and divisions of the City.
(Amended 11-8-16.)

SECTION 3.05 VICE MAYOR.

At the time of the organization of Council, Council shall choose by a majority vote one of its members as Vice Mayor, who shall assume office at the time of such selection and shall hold office until such successor is elected and qualified. The Vice Mayor shall act as the presiding officer of the Council in the absence or disability of the Mayor and shall exercise all the powers and duties granted the Mayor by this Charter during the absence or disability of the Mayor. In the event of a vacancy in the office of Mayor, the Vice Mayor shall become Mayor for the unexpired term, and Council shall elect a new Vice Mayor for the unexpired term. (Amended 11-8-16.)

SECTION 3.06 CLERK OF COUNCIL.

The Clerk of Council shall be appointed by the Council and shall serve at its pleasure. The Clerk of Council shall keep an accurate and complete Journal of the proceedings of Council and perform such other duties as this Charter or the Council may require. The Clerk of Council may be a person having employment or appointment with the City. (Amended 11-8-11)

SECTION 3.07 COUNCIL MEETINGS.

Council shall hold not less than 12 regular meetings per year at such time and place as designated by ordinance. An organizational meeting shall be held December 1st each election year. Special meetings may be called by the Mayor or by any three (3) members on twenty-four (24) hours written notice served on each member personally, or left at the member's usual place of residence. The purpose of the special meeting shall be stated in the notice, and no other business shall be transacted at such meeting.

A majority of the members of Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. The vote of at least a majority of the members present, except as otherwise prescribed in this Charter, shall be necessary for the passage of any measure, and all votes shall be taken by yeas and nays entered upon the journal.

All meetings of Council shall be open to the public, except as allowed by the laws of the State of Ohio and as Council may provide by ordinance for matters declared in such ordinance to require confidentiality. (Amended 11-8-16.)

SECTION 3.08 COMPENSATION AND EXPENSES.

The compensation of members of Council and the Mayor may be increased or decreased at any time; however, if such increase occurs during the term of persons holding such positions, the increase shall not be effective until the expiration of two years after the effective date of the ordinance increasing such salaries or the end of the term of the persons holding such positions, whichever shall occur first. The compensation of all other officers and employees of the Municipality may be increased or decreased at any time by ordinance. Members of Council shall receive their actual and necessary expenses incurred in the performance of their duties of office.

SECTION 3.09 REMOVAL AND VACANCIES.

If any member persistently fails to abide by the rules of Council, or becomes disabled so as not to be able to perform the duties of a council person, such seat may be declared vacant by resolution of Council, five (5) members concurring. Any member who shall cease to be a resident or qualified elector of the City of Wyoming, or shall cease to possess any of the qualifications set out in Section 3.02 of this Charter or is recalled shall forthwith forfeit such office, and Council shall by majority vote declare such seat vacant. The remaining members of Council shall, by majority vote, elect a successor to fill any vacancy however caused. The power of Council to fill the vacancy shall lapse after thirty (30) days, and the Mayor shall fill the vacancy by appointment. Any appointee under this section shall qualify under the provisions of this Charter and shall hold office and serve for the unexpired term and until such successor is elected and qualified. (Amended 11-8-16.)

ARTICLE IV
THE CITY MANAGER

SECTION 4.01 APPOINTMENT.
A City Manager shall be appointed by the Council to serve at the pleasure of the Council.

SECTION 4.02 QUALIFICATIONS.
The City Manager shall have such executive and administrative qualifications for the job of City Manager as City Council shall from time to time determine and which are relevant to public service.
(Amended 11-5-91; 11-8-11)

SECTION 4.03 POWERS AND DUTIES.
The City Manager shall be the chief executive officer and the head of the administrative branch of the City Government, and shall be responsible to the Council for the proper administration of all the affairs of the City and the enforcement of all the laws, ordinances and resolutions, except as herein otherwise provided, and to that end the City Manager shall have authority to make all appointments and removals of employees of the City in the departments and offices under the City Manager's control.

The City Manager shall attend all meetings of the Council, with the right to participate in its discussions but without the right to vote. The City Manager shall be an ex officio member of all committees or appoint a designee therefor.

The City Manager shall prepare and submit to the Council the annual budget and be responsible for its administration after adoption. The City Manager shall keep the Council advised of the financial condition and future needs of the City and make such recommendations as desirable.

The City Manager shall submit to the Council and make available to the public a report on the financial and administrative activities of the City as of the end of each fiscal year.

The City Manager shall make such other reports as the Council may require concerning the operation of City departments, offices, and agencies subject to the City Manager direction and supervision.

The City Manager shall issue all licenses and permits pursuant to ordinances and perform all other duties as may be prescribed by the Charter or required of the City Manager by the Council, not inconsistent with this Charter.
(Amended 11-5-91.)

SECTION 4.04 ACTING CITY MANAGER.
The City Manager may designate in writing any administrative employee of the City who shall exercise all powers, duties and functions of the City Manager during the City Manager's temporary absence from the City or during the City Manager's disability. If such designation has not been made and the City Manager is absent from the City or unable to perform the City Manager's duties or to make such designation, the Council may, by resolution, appoint any qualified administrative employee of the City to perform the powers, duties and functions of the City Manager until the City Manager shall return to the City or the disability ceases.

In the event of a vacancy in the Office of City Manager, the Council may designate a person as Acting City Manager, who shall exercise all powers, duties and functions of the City Manager until a City Manager is appointed.
(Amended 11-5-91.)

SECTION 4.05 COUNCIL-MANAGER RELATIONS.

Neither Council, nor its committees or members, shall direct or request the appointment of any person to, or the City Manager's removal from office or employment by the City Manager, or in any manner take part in the appointment, discipline, or removal of subordinates and employees in the administrative service of the City. City Council, its committees and members shall deal with that portion of the service of the City for which the City Manager is responsible solely through the Manager, and neither Council, nor its committees or members, shall give any orders to any subordinate of the Manager. Council may, however, inquire into the conduct of any office or department, the performance of any contract, or any of the affairs of the Municipality. Council may in the exercise of such power compel, or authorize a committee to compel the attendance and testimony of witnesses and the production of books, papers, and other evidence under penalty of law. (Amended 11-5-91.)

SECTION 4.06 PURCHASES AND CONTRACTS.

The City Manager shall purchase all things required by the City and shall execute and deliver all contracts for the City except contracts for annual audits which shall be executed by the Mayor and except fiduciaries for public utility services. Purchases may be made simultaneously with purchases by other governmental bodies and in cooperation with their officers.

Council, by ordinance, shall establish a threshold amount, notice provisions, and other procedures for competitive bidding. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the threshold amount established by Council, the contract shall be competitively bid. Council shall award a contract to the lowest and best bidder, provided Council may reject any and all bids in whole or by items. No contract shall be divided to avoid the requirements of competitive bidding.

Waiver. By vote of not less than five (5) members, Council may waive the competitive bidding requirement if the statutory or common law of the State of Ohio does not require competitive bidding; if Council determines that an item is available and can be acquired only from a single source; or if Council determines that a waiver of the competitive bidding requirement is in the best interest of the City

Emergency. In the event of an emergency, the City Manager may enter into contract for the construction of a public improvement or the purchase of equipment, supplies, or materials that is estimated to exceed the threshold amount established by Council without competitive bidding. In such case, the City Manager shall report the facts to Council at its next meeting.

Professional services. Contracts for professional services shall not be subject to competitive bidding requirements of this Section and shall not require the authorization of Council if the current operating budget provides sufficient funding for the scope of services in any such contract. (Amended 11-8-16.)

SECTION 4.07 REMOVAL.

The City Council may remove the City Manager by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the City Council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for said removal. The City Manager may reply in writing and may request a public hearing before City Council which public hearing shall be held not earlier than twenty (20) days nor later than thirty (30) days after the public filing of such request, which request shall be filed with the Clerk of Council within five (5) days of the City Manager being notified of such termination. After such public hearing if one is requested, and after full consideration, the City Council by a majority vote of its members may adopt a final resolution of removal, which decision is final.

ARTICLE V
ADMINISTRATIVE DEPARTMENTS

SECTION 5.01 SOLICITOR.

The City Manager with approval of Council shall appoint a Solicitor, who shall be an attorney at law admitted to practice in Ohio. The Solicitor shall act as the legal advisor to, and attorney and counsel for, the City and its officers in matters relating to their official duties. The Solicitor shall on request of the City Manager prepare all contracts, bonds and other instruments in writing in which the City is concerned and shall endorse approval of the terms. The Solicitor shall represent the City in all suits or cases in which it may be a party and shall prosecute for all offenses against the ordinances of the City and such offenses against the laws of Ohio as may be required by law, provided that the City Manager may, with approval of Council, designate or otherwise retain special or assistant counsel to represent the City in such matters as may from time to time be required, expedient or advisable.

The Solicitor shall perform such other duties consistent with the office, as may be required by this Charter, by ordinance or resolution of Council, or as may be required by the general laws of the State applicable to cities and not inconsistent with this Charter.
(Amended 11-5-91; 11-8-11)

SECTION 5.02 TREASURER.

The City Manager shall appoint a Treasurer who shall be the fiscal officer of the City. The Treasurer shall be responsible for accounting, collection and custody of public funds, and control over disbursements. The Treasurer shall be the custodian of official bonds and of instruments for the payment of the money of the City, and shall perform such other duties now or hereafter imposed on City Treasurers under the laws of the State of Ohio and shall perform such other duties consistent with this office, as may be required by this Charter, by ordinance or resolution of Council, or as directed by the City Manager.

ARTICLE VI
COMMISSIONS

SECTION 6.01 CIVIL SERVICE COMMISSION: MEMBERSHIP.

The Civil Service Commission shall consist of three (3) electors of the City of Wyoming, appointed by the Mayor. All members shall serve for terms of five (5) years.

SECTION 6.02 CIVIL SERVICE COMMISSION: POWERS, DUTIES AND JURISDICTION.

The Council shall provide by ordinance the powers, duties and jurisdiction of the Civil Service Commission, and shall determine the positions of employment which shall comprise the classified and unclassified service of the City. The Civil Service Commission shall establish the method and procedure for determining merit and fitness for employment and promotion in the classified service, and such other matters relating to classified employment service as may be necessary and proper.

SECTION 6.03 PLANNING COMMISSION: MEMBERSHIP.

The City Planning Commission shall consist of five (5) members, one (1) a member of Council who shall serve for a two (2) year term, provided that this Councilmember shall not serve beyond the Councilmember's tenure on Council, and four (4) electors of the City, who shall be appointed by Council to serve for staggered four year terms.
(Amended 11-4-86; 11-8-11)

SECTION 6.04 PLANNING COMMISSION: POWERS AND DUTIES.

The Planning Commission shall have all the powers granted to and shall perform all the duties imposed upon Planning Commissions and Platting Commissions by the laws of Ohio including all statutes now or hereafter enacted and such other powers and duties as established by this Charter and by Council by Ordinance.

ARTICLE VII
ORDINANCES AND RESOLUTIONS

SECTION 7.01 ACTION TO BE TAKEN BY ORDINANCE OR RESOLUTION.

Action of Council shall be by ordinance, resolution, or motion. Every action of a general or permanent nature, including but not limited to granting a franchise; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease, sale, or transfer of real property; or establishing an offense and fixing the penalty therefor shall be taken by ordinance, in the manner hereinafter provided. All other action may be by resolution or motion.

SECTION 7.02 SUBJECT OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall contain only one subject which shall be expressed in its title, provided however, that appropriation ordinances may contain the various subjects, accounts, and amounts for which moneys are appropriated, and that ordinances and resolutions which are codified or recodified are not subject to the limitations of containing one subject.

SECTION 7.03 MAJORITY REQUIRED.

The affirmative vote of four (4) members of the Council shall be necessary for the passage of any ordinance unless otherwise provided herein. A resolution may be enacted on a formal motion by a majority vote of the members of Council present.

SECTION 7.04 PROCEDURE OF PASSAGE OF NON-EMERGENCY ORDINANCES.

Every ordinance shall be introduced in written form. After its first reading which may be by title only, the ordinance shall be posted at the City Building. A copy of the ordinance in the form in which it was introduced shall be made available for public inspection in the office of the Clerk of Council of the City, together with a notation as to the time and place of its consideration for second and third readings or for Council action.

SECTION 7.05 SECOND READING, THIRD READING, AND FINAL ADOPTION.

For the second and third readings, at the time and place so published by posting, such ordinance shall be read by title only. After the third such reading, the Council may finally adopt such ordinance.

SECTION 7.06 AMENDMENT OF ORDINANCES AND RESOLUTIONS.

No existing ordinance or resolution or any section thereof, shall be revised or amended unless the new ordinance or resolution contains the entire proposed ordinance or resolution as revised or amended, and the existing ordinance or resolution or any section thereof so amended shall be repealed. This requirement shall not prevent the amendment of an ordinance or resolution by the addition of a new section or sections, and in such case the full text of the former ordinance or resolution need not be set forth.

Except in the case of a codification or recodification of ordinances and resolutions, a separate vote shall be taken on each ordinance or resolution proposed to be amended.

Ordinances and resolutions that have been introduced and have received their first, second or third reading, but have not been voted on as to passage, may be amended or revised upon approval by a majority vote of the members of Council, and such amended or revised ordinance or resolution need not receive readings in addition to the readings required by this Article. (Amended 11-5-91.)

SECTION 7.07 RULE SUSPENSION.

The Council, on an affirmative vote of five (5) members, may suspend the rule preventing adoption of an ordinance prior to the third reading. A summary of an ordinance adopted under Rule Suspension shall be published by posting within one (1) week.

SECTION 7.08 EFFECTIVE DATE.

Unless the ordinance shall specify a later date, the effective date of any ordinance shall be thirty (30) days after its adoption, except as otherwise provided in this Charter or by the Constitution of the State of Ohio. A resolution shall take effect immediately upon its adoption.

Ordinances providing for appropriations for the current expenses in the City, or for street improvements petitioned for by the owners of the majority of the front footage of the property benefitted to be assessed for the improvement shall go into immediate effect.

Every ordinance or resolution, upon its final passage, shall be recorded in a book kept for this purpose, and shall be authenticated by the signature of the presiding officer and the Clerk of the Council.

SECTION 7.09 PROCEDURE OF PASSAGE OF EMERGENCY ORDINANCES.

The Council may, with an affirmative vote of not less than five (5) members, pass emergency ordinances to take effect immediately upon their passage, or at the time indicated therein in order to preserve the public interest, public peace, property, health, safety or welfare, or to provide for special emergencies in the operation of City services. Each emergency ordinance shall set forth the specific facts necessitating the emergency legislation. No legislation involving the granting, renewing or extending of a franchise or regulating the rate to be charged for public utility services shall be passed as an emergency measure. In lieu of publication by posting before adoption, the emergency ordinance shall be published by posting within one (1) week after its passage as set forth in Section 7.04.

ARTICLE VIII
NOMINATIONS AND ELECTIONS

SECTION 8.01 REGULAR MUNICIPAL ELECTIONS.

The regular municipal election shall be held on the first Tuesday after the first Monday in November on the odd numbered years. All candidates for Council shall be nominated by petition, and all petitions, ballots and ballot labels shall be without party mark or designation. The names of all candidates shall be rotated insofar as possible in the manner provided by the election laws of the State of Ohio. Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the laws of the State of Ohio.

SECTION 8.02 NOMINATIONS.

Nominations for members of Council shall be made only by petition, signed by qualified electors of the City and not less than fifty (50) in number. Such petition shall be filed with the Hamilton County Board of Elections not later than ninety (90) days before the date of the regular municipal election. An elector may sign only as many petitions for Council members as there are places to be filled.
(Amended 11-8-16.)

SECTION 8.03 SPECIAL ELECTIONS.

The Council may at any time by resolution order a special election, the purpose of which shall be set forth in the resolution.

ARTICLE IX
INITIATIVE, REFERENDUM, AND RECALL

SECTION 9.01 INITIATIVE.

Ordinances may be proposed by initiative petitions by not less than five hundred (500) electors, and adopted by election to the extent and manner now or hereafter provided by the Constitution and the laws of the State of Ohio.

SECTION 9.02 REFERENDUM.

Ordinances shall be subject to referendum by the petition of not less than five hundred (500) electors, to the extent and manner now or hereafter provided by the Constitution and the laws of the State of Ohio; provided however that the referendum shall not be applicable to the following:

(a) Ordinances making or transferring annual appropriations or amendments thereto;
(b) Ordinances providing for the discharge of any obligations legally due from the City;
(c) Ordinances submitting any measure to a vote of the electors;
(d) Ordinances directing the performance of any official duty or providing for investigations or reports;
(e) Ordinances or resolutions not having the force or effect of law;
(f) Ordinances repealing measures passed by the Council pursuant to referendum petitions;
(g) Ordinances relating to any public improvement;
(h) Ordinances which are passed as emergencies.

SECTION 9.03 PETITIONS FOR INITIATIVE AND REFERENDUM.

The form, content, verification of and other requirements for initiative and referendum petitions, except as otherwise provided in this Charter, shall be controlled by the laws of the State of Ohio including all statutes now or hereafter enacted. Petitions shall be filed with the Clerk of Council or the Clerk of Council's designee(s), provided that any referendum petition must be filed within thirty (30) days following the passage of any ordinance. Within ten (10) days of filing with the Clerk of Council or the Clerk of Council's designee(s), the City Solicitor shall determine whether it is valid and sufficient, according to law, and shall present the petition with a certificate as to such determination to Council at its next regular meeting. If the petition is determined to be invalid or insufficient, no further action shall be had.

If the petition is determined to be valid and sufficient, the Council shall refer such matter to a committee to hold a public hearing thereon, and to report its recommendations at the next regular meeting of Council. Council shall not later than the second regular meeting following such referral to Committee, either pass the ordinance in its original form, or in a form agreed to by committee which filed the petition, or in the case of a referendum petition, repeal said ordinance; or in either case submit said matter to a vote of the electors at a regular or special election to be held within four (4) months thereafter. If the initiative measure or repealing measure is approved by a majority of the electors voting thereon, and is so certified by the Board of Elections, it shall take effect immediately upon certification.
(Amended 11-8-11)

SECTION 9.04 REFERENDUM PETITIONS: SUSPENSION OF EFFECT OF ORDINANCE.

When a referendum petition is filed with the Clerk of Council as set forth herein, the ordinance sought to be reconsidered shall be suspended from taking effect, which suspension shall terminate when:

(a) There is a final determination of the invalidity or insufficiency of the petition;
(b) The Petitioner's Committee withdraws the petition;
(c) The Council repeals the ordinance;
(d) Immediately after the Board of Elections certifies the official vote on the matter.

SECTION 9.05 RECALL.

The power of recall of elected officials is reserved to the people. The procedure to be followed shall be as provided by the laws of the State of Ohio now or hereafter enacted, provided that any petition seeking recall of an elected official shall be signed by not less than one thousand (1000) electors.

ARTICLE X
FINANCE, TAXATION AND DEBT

SECTION 10.01 BUDGET.

On or before the first day of November in each year the City Manager shall prepare and submit to Council an appropriations budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar year. Council may specify the form of and the information to be included in the appropriation budget. Council shall hold a public hearing thereon during the month of November and shall make such appropriation budget available to the public at the City Building.
(Amended 11-4-86.)

SECTION 10.02 OPERATING LEVY.

The Council shall annually levy a tax, for current operating expenses, on the property assessed and listed for taxation for the purposes of the City of Wyoming. The rate of tax shall not exceed that permitted by the laws of the State of Ohio.

SECTION 10.03 OTHER TAX LEVIES.

The limitation of this Charter upon the power of Council to levy taxes shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio, nor shall the authority of Council to submit additional levies, on property assessed and listed for taxation according to value, to a vote of the people under the authority of the Constitution or laws of the State of Ohio be deemed impaired or abridged by reason of any provision of this Charter.

SECTION 10.04 DEBT SERVICE LEVY.

The Council may annually levy taxes on property assessed and listed for taxation, outside any limitation imposed by the Constitution of Ohio or by any act of the legislature, in a sum sufficient to pay all or any part of the principal of and interest on any bonds and notes constituting general obligations of the City which are not outstanding or hereafter lawfully issued, including the expenses incident to the management of the bond retirement fund, which levy shall be placed before and in preference to all other levies.

SECTION 10.05 CAPITAL IMPROVEMENTS PROGRAM.

The City Manager shall prepare and submit to the Council a five (5) year capital improvements program at least two (2) months prior to the final date of submission of the budget in such form as the City Council shall require.

SECTION 10.06 ANNUAL AUDITS.

Council may each year, but in no event less than once in each three (3) year period, cause an annual audit of all the financial affairs of the City during the preceding year to be made by a certified public accountant not in the employ of the City, or financially interested in any transaction to be audited. The Council may designate such certified public accountant annually or for a period not exceeding three years. If, however, any representative of the State of Ohio is then making or is about to make such an audit pursuant to law, Council may accept such audit in lieu of causing any required audit to be made hereunder. Council may, in addition, cause other audits for any purpose to be made at any other time.
(Amended 11-5-91.)

SECTION 10.07 DEBT AND TAX LIMITATIONS.

The limitation on debt and tax rates without vote of the electors shall be continued as provided in the Ohio Constitution and the general law.

ARTICLE XI
GENERAL PROVISIONS

SECTION 11.01 ORDINANCES IN EFFECT.

All existing ordinances, resolutions and other acts of the City which are not inconsistent with this Charter, shall remain in effect until amended or repealed by the Council.

SECTION 11.02 VESTED RIGHTS.

The adoption of this Charter shall not impair any right vested in the City, nor discharge any liability incurred by the City at the time of its adoption.

SECTION 11.03 REMOVAL OF APPOINTEES FROM COMMISSIONS AND BOARDS.

The Council shall have the right, subject to the approval of a majority of all of the members of Council, to remove for cause any Commission or Board member appointed by the Mayor or by Council.

SECTION 11.04 SUCCESSION OF POWERS.

Any department or office of the City to which are assigned the powers, duties or functions of a previously existing department or office, shall be deemed to constitute a continuation thereof as to matters within its jurisdiction for the purpose of succession to its powers, duties, rights and obligations.

SECTION 11.05 AMENDMENT TO CHARTER.

This Charter may be amended as provided in the Constitution of the State of Ohio, provided that in any event, Council, at the first meeting of the Council in January, 1991, and every five (5) years thereafter, shall appoint a Charter Review Commission. It shall be the duty of the Commission to review the existing Charter and make such recommendations as it may see fit for revision. The Commission shall submit its report to Council not later than June 1 of the same year. Thereupon, Council may take such action as it deems warranted with respect to such recommendations.

SECTION 11.06 EFFECT OF PARTIAL INVALIDITY.

A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof, except to that extent that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 11. 07 OATH OF OFFICE.

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Clerk of Council:

> "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Ohio, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Wyoming and will faithfully discharge the duties of the office of _____."

ARTICLE XII
TRANSITIONAL PROVISIONS

SECTION 12.01 EFFECTIVE DATE OF AMENDMENT OF CHARTER.

This Amendment to the Charter shall be submitted to the electors of the City at an election to be held November 3, 1981, and if approved by the electors of the City shall take effect from the time that it is certified by the Hamilton County Board of Elections.

SECTION 12.02 CONTINUANCE OF PRESENT OFFICIALS AND EMPLOYEES.

All persons holding office at the time this Amendment to the Charter takes effect as well as all employees, shall continue in office and in the performance of their duties.