

CHARTER OF THE CITY OF WOOSTER, OHIO-as of January 1, 2010

(EDITOR'S NOTE: This Charter was first approved by Wooster voters at the primary election on May 2, 1972. In accordance with Article VIII of the Charter, it has been periodically reviewed, and amendments thereto were approved by the voters of Wooster at the general elections on November 6, 1973; November 2, 1976; November 4, 1980; November 3, 1987; November 6, 1990; and November 6, 2001.)

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ARTICLE I

INCORPORATION, FORM OF GOVERNMENT AND POWERS

SECTION 1.01. NAME AND BOUNDARIES.

The inhabitants of the City of Wooster, in the County of Wayne and the State of Ohio, within its corporate limits as now or hereafter established, shall continue to be a body politic and corporate by name of "the City of Wooster," and as such shall have perpetual succession.

SECTION 1.02. FORM OF GOVERNMENT.

The municipal government provided by this Charter shall be known as the "Mayor-administrator-Council Form of Government."

SECTION 1.03. POWERS OF THE CITY.

The City shall have all powers possible for a city to have under the Constitution and laws of the State of Ohio as fully and completely as though they were specifically enumerated in the Charter.

SECTION 1.04. MANNER OF 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 1.05. CONSTRUCTION.

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

SECTION 1.06. INTERGOVERNMENTAL RELATIONS.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE II THE COUNCIL

SECTION 2.01. POWERS, COMPOSITION, AND TERM.

All legislative power shall be vested in the Council. Council shall be composed of seven members, one to be nominated and elected from each of the four wards; three to be nominated and elected at large. The future size and composition of the Council shall be determined in accordance with each decennial Charter review.

All Council members shall be elected for a term of four years, maintaining the existing staggered terms. (Amended 11-6-01)

SECTION 2.02. COUNCIL AS A CONTINUING BODY.

The Council shall be a continuing body and proceedings which have been lawfully begun by one Council can be prosecuted by succeeding Councils until completed and made effective.

SECTION 2.03. COMPENSATION AND BONDS.

Compensation and bonds for City officials and employees shall be established by ordinance of Council. This does not preclude the City Administration's negotiating with City employee groups regarding wages and fringe benefits. Salaries of elected officials for the ensuing term shall be set at least five days prior to the last day for filing candidacy and may not be changed during the term.

(Amended 11-6-90)

SECTION 2.04. PRESIDENT OF COUNCIL.

The President of Council shall be elected at-large for a term of four years which shall be concurrent with the term of the Mayor. He shall preside at all meetings of Council, but shall have no vote, except in the case of a tie. When the Mayor is absent from the City or unable to perform his duties, the President of Council shall become Acting Mayor and shall have the same powers and perform the same duties as the Mayor.

(Amended 11-6-90)

SECTION 2.05. ORGANIZATION.

At the first Council meeting in January following a regular municipal election, Council shall organize itself and elect from its membership a President pro tempore. In addition, Council shall appoint a Clerk and any other employees it may deem necessary and fix their duties, bond and compensation. A Council member serving as President pro tempore shall not be deprived of his/her power and rights as a voting member of Council.
(Amended 11-6-01)

SECTION 2.06. VACANCIES.

If the office of President of Council becomes vacant, the President Pro Tempore, as appointed in Section 2.05, shall serve as Acting President without losing his status as a Council member until a successor to the President of Council is nominated and elected. The President Pro Tempore shall stand in line of succession to the office of Mayor.

A vacancy in the office of the President Pro Tempore shall be filled by appointment of a Council member made by majority vote of Council members.

Vacancies in Council shall be filled by appointment of a qualified person of the same party as the person who previously held the seat. If the person vacating the seat ran as an Independent, the person appointed to fill such vacancy shall be a qualified person. The appointment shall be made by a majority vote of Council members. If Council fails to fill the vacancy within 30 days, the Mayor shall make the appointment within 15 days of Council's failure to do so. The appointee shall complete the unexpired term.
(Amended 11-4-80.)

SECTION 2.07. MEETINGS OF COUNCIL.

In each calendar month, excepting July and August, the Council shall hold at least two regular meetings, the time and place of which shall be prescribed by ordinance. A majority of all the members elected shall constitute a quorum to do business, but a lesser number may adjourn by majority vote from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or resolution.

Special meetings may be held on the call of the Mayor or of a majority of the members and, whenever practicable, upon no less than twelve hours' notice to each member. If a member cannot be located personally, a written notice of the time and date of the special meeting shall be left at his last known place of residence in the City.

SECTION 2.08. COUNCIL RULES AND JOURNAL.

The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

SECTION 2.09. LEGISLATIVE PROCEDURE.

The legislative action of the Council shall be by ordinance or resolution, introduced in written or printed form, each of which shall contain no more than one subject, which subject shall be clearly expressed in the title. Ordinances involving general appropriations, however, may contain the various subjects and accounts for which moneys are appropriated. Any member of Council may introduce legislation and every ordinance or resolution introduced in the Council shall bear the name (s) of the person (s) sponsoring said ordinance or resolution. An affirmative vote of a majority of Council shall be required for the enactment of every ordinance or

resolution, unless a larger number be required by the provisions of this Charter. On the passage of each ordinance or resolution the voting shall be by roll call and the vote of each member shall be recorded in the journal.

SECTION 2.10. READING REQUIREMENTS.

Every resolution, except those of strictly ceremonial nature or those authorizing the expenditure or transfer of funds which have been specifically appropriated, and every ordinance shall be read at meetings of Council on three different days. Ordinances and resolutions shall be deemed to have been read if a written or printed copy of the ordinance or resolution shall have been furnished to each member of Council prior to its introduction and if the title thereof is fully read, provided that such ordinance or resolution shall be read in full at the request of any Council member. Council may suspend the rules for three readings on an affirmative vote of three-fourths of the members.

SECTION 2.11. EMERGENCY ORDINANCES.

When necessary for the preservation of the public peace, health and welfare or safety, or providing for the usual daily operation of a municipal department or division, the Council, by an affirmative vote of three-fourths of the members, may adopt an emergency ordinance which shall set forth and define the specific facts necessitating the emergency. Such emergency ordinances shall require no public hearings and shall take effect at the time indicated therein. Emergency ordinances shall be published as other ordinances after passage.

(Amended 11-6-01)

SECTION 2.12. ACTIONS NOT PERMITTED AS EMERGENCIES.

No action of Council authorizing the surrender or joint exercise of its powers, or in granting a franchise, or in establishing new positions, classified and unclassified, or in the enactment, amendment or repeal of any zoning or building resolution or ordinance, or in the changing of any ward boundaries, or in authorizing any change in the boundaries of the Municipality, shall be enacted as an emergency ordinance.

SECTION 2.13. AMENDING ORDINANCES AND RESOLUTIONS.

No resolution or ordinance shall be revised or amended unless the resolution or ordinance superseding it contains the entire resolution or ordinance so revised or amended, or the section or sections so revised or amended, and, having been revised or amended, the original resolution or ordinance, or section or sections, shall be considered to be repealed.

SECTION 2.14. AUTHENTICATION OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be authenticated by the signature of the Council President, or other presiding officer, and the Clerk of Council. The failure or refusal of such officers to sign such ordinances or resolutions shall not invalidate an otherwise properly enacted ordinance or resolution.

SECTION 2.15. EFFECTIVE DATE OF ORDINANCES.

Each resolution or ordinance providing for the appropriation of money, or for the annual tax levy, or for improvements petitioned for by the owners of a majority of the adjacent property to be benefited and specially assessed therefor, and any emergency resolution or ordinance

necessary for the immediate preservation of public peace, health, welfare or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

No other resolution or ordinance shall become effective until thirty days after:

- (1) Its approval by the Mayor, or
- (2) The expiration of the time within which it may be vetoed by the Mayor, or
- (3) Its passage after veto by the Mayor, as the case may be.

SECTION 2.16. PUBLIC NOTICE BEFORE FINAL ENACTMENT.

No action of Council authorizing the surrender or joint exercise of any of its powers, or in the granting of any franchise, or in the enactment, amendment or repeal of any zoning or building resolution or ordinance, or in the changing of any ward boundaries, or in the authorizing of any change in the boundaries of the Municipality, shall be enacted unless the title and summary of the ordinance or resolution has been published as provided in Section 2.17 within the City at least seven days before enactment by Council. Those actions of Council which require public hearings under the general laws of Ohio shall require public hearing under this Charter. (Amended 11-6-01)

SECTION 2.17. PUBLICATION OF RESOLUTIONS AND ORDINANCES.

All resolutions and ordinances must be published after enactment by title, number, and summary within the City. Such publication shall announce that a copy of the resolution or ordinance is available at the office of the Clerk of Council. As used in this Charter, the terms “published” and “publication” shall mean to post the legislation or summary thereof in at least three public places as are designated by ordinance of Council, and to take such other actions as may be provided by Council. (Amended 11-6-01)

SECTION 2.18. COUNCIL RELATIONSHIP TO ADMINISTRATIVE OFFICES.

Neither Council, nor its committees, shall in any manner take part in the discipline of, nor give orders to, any subordinates and employees in the administrative service of the Municipality responsible to the Mayor. Council may inquire into the conduct of any office or department or any affairs of the City. Inquiries shall be directed to the appropriate director, or department/division head. (Amended 11-6-90)

SECTION 2.19. ADOPTION BY REFERENCE - CODIFICATION.

Council may, by ordinance or resolution, adopt ordinances and codes prepared by the State or any department, board, agency or political subdivision of the State, or any standard or model code or ordinance prepared by a public or private organization, pertaining to such subjects as the Council may determine to be appropriate for adoption by reference, by incorporation by reference. Subsequent amendments or changes to codes or ordinances adopted by reference may also be adopted by incorporation by reference.

The Council may revise, codify, recodify, and publish the ordinances and resolutions in book or code form. Codifications and recodifications may contain new matter therein. Notice of the proposed codification, recodification or publication of ordinances and resolutions in book or

code form shall be published as provided in Section 2.17 in the City at least seven days prior to its final approval and no other publication thereof shall be required.
(Amended 11-6-01)

ARTICLE III THE MAYOR

SECTION 3.01. TERM.

The Mayor shall be elected by popular vote for a term of four years.

SECTION 3.02. ADMINISTRATIVE POWERS.

The Mayor shall exercise supervision and control over all of the Administrative Departments of the City. He shall be the chief conservator of the peace within the City and shall see that all laws, ordinances and resolutions are faithfully obeyed and enforced. He shall be the ceremonial head of the City.

He shall have the power:

- (1) To appoint, promote, transfer, reduce or remove any officer, employee, or appointee of the City in a manner consistent with the provisions of this Charter;
- (2) To initiate departmental reorganization in accordance with Section 4.08;
- (3) To exercise those judicial powers granted to mayors under the general laws of Ohio;
- (4) To perform other powers and duties granted by ordinance or resolution.

SECTION 3.03. MAYOR'S RIGHT TO PARTICIPATE IN COUNCIL MEETINGS.

The Mayor may participate in the discussions of Council and make recommendations to the Council for its consideration.

SECTION 3.04. MAYOR'S VETO POWER.

Upon authentication, every ordinance and resolution shall be presented to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, he shall sign and return it, but if he does not approve it, he shall return it with a statement of his objections to the Council. This shall be recorded in its journal.

The Council may then reconsider the vote on the passage of such legislation, not later than at its next regular meeting. If, on reconsideration, it is approved by two-thirds of the members of Council, it shall become effective as stipulated in Article II, Section 2.15.

If any ordinance or resolution shall not be returned by the Mayor within seven days after it was presented to him, it shall become effective in the same manner as if it had been signed on the last day of the seven day period.

The Mayor may exercise item veto over appropriation ordinances which shall be subject to the other veto provisions in this Charter.

SECTION 3.05. VACANCY.

(a) Temporary Absence From Office. In the event that the Mayor is temporarily absent or unable to perform the duties of office, s/he shall so notify the Clerk of Council of that fact, and the President of Council shall then assume the duties of the office of Mayor.

(b) Permanent Vacancy. In the event the Mayor, for a period of time in excess of ninety (90) consecutive days, is either absent from office or unable to perform his/her duties because of physical or mental illness or disability, Council may, after providing the Mayor with written notice and an opportunity for a hearing in accordance with Article VIII, Section 8.06(e) (1), upon the affirmative vote of five (5) members, declare the office of Mayor to be vacant.

(c) In the event of a permanent vacancy in the office of the Mayor due to his/her resignation, death or permanent disability, the President of Council shall succeed to the office of Mayor. Until a successor is elected and qualified, the office of President of Council shall become vacant and shall be filled as set forth in Article II, Section 2.06.

If the President of Council declines to accept the office of Mayor, s/he shall so indicate by filing a written notice to that effect with the Clerk of Council within ten (10) days after the date the vacancy occurred, in which event the President Pro Tempore shall succeed to the office of Mayor as provided in Article II, Section 2.06.

If the President Pro Tempore shall succeed to the office of Mayor, and provided that at least one (1) year shall remain in the term of office of the former Mayor, a special election shall be held to elect a successor to the Mayor. Candidates for the office of Mayor shall file nominating petitions signed by that number of electors equal to at least five percent (5%) of the number of electors voting in the next preceding general municipal election for the office of Mayor. Said petitions shall be filed with the Board of Elections within fifteen (15) days after the President of Council filed his/her written notice declining the office of Mayor. The Council shall, by a majority vote of its members, fix a day for such special election, which day shall be not more than forty-five (45) days after the President of Council filed his/her written notice declining the office of Mayor. The candidate receiving the greatest number of votes at such special election shall succeed to the office of Mayor to serve in that capacity for the remainder of the unexpired term. The President Pro Tempore shall serve as Acting Mayor until a successor is chosen.
(Amended 11-6-01).

SECTION 3.06. RESPONSIBILITIES TO THE ELECTORATE.

The Mayor is individually responsible to the electorate for the proper administration of the City. Annually, the Mayor and the directors and department heads shall meet with the public for a discussion of the affairs of the City. (Amended 11-6-01)

ARTICLE IV ADMINISTRATIVE OFFICERS, DEPARTMENTS AND COMMISSIONS

SECTION 4.01. THE DIRECTOR OF ADMINISTRATION.

The Director of Administration shall be appointed by the Mayor primarily on the basis of his competence in public, commercial, organizational or industrial administration.

SECTION 4.02. DUTIES OF THE DIRECTOR OF ADMINISTRATION.

The Director of Administration shall be responsible to the Mayor for the supervision and operation of all City departments, except for the Departments of Law and Finance. He shall serve as purchasing agent and personnel director for all departments of the City. He shall perform such other duties as may be specified by the Mayor, including directorship of a department.

SECTION 4.03. DIRECTOR OF LAW.

The Director of Law shall be an attorney licensed to practice law in the State of Ohio, and s/he shall have been engaged in the active and full-time practice of law continuously for a period of not less than five (5) years preceding his/her appointment. S/He shall have charge of the Law Department of the City. In that capacity, s/he shall serve as the chief legal counsel to the Mayor, the City Council, City departments and divisions, the Hospital Board of Governors, and the various municipal boards and commissions. S/He will perform all duties and functions now or hereafter imposed upon the municipal directors of law by the general laws of Ohio; and s/he will perform such other duties as may be required by this Charter, by ordinance or resolution of Council, or as directed by the Mayor, except that s/he will not serve as counsel to the Wooster City Board of Education.
(Amended 11-6-01)

SECTION 4.04. DIRECTOR OF FINANCE.

The Director of Finance shall be appointed on the basis of his competence as demonstrated by experience, education or both. The Mayor may also designate an officer or employee of the City, who, during the absence or disability of, or during a vacancy in, the office of Director of Finance, shall exercise the powers and discharge the duties and functions of the Director of Finance under the title of Acting Director of Finance.

The Director of Finance shall be the chief fiscal officer of the City. He shall, on behalf of the City, collect all taxes, assessments and moneys due; disburse funds as authorized; select depositories; invest funds when available for investment; maintain an efficient general accounting system and specify and supervise departmental accounting including invoicing, receiving and, where appropriate, cost accounting systems; and represent the City with other governmental fiscal agencies. The Director of Finance shall perform all duties and functions now or hereafter imposed on city auditors and treasurers by the laws of the State of Ohio which are not in conflict with the provisions of this Charter.

The Director of Finance shall, for the Council in a form Council may specify, report the current financial status of the City not less than quarterly; provide Council all supportive financial information requested for consideration of the annual appropriation ordinance; and make a yearly report covering all accounts and obligations of the previous fiscal year.

The Director of Finance shall serve as fiscal advisor to the Mayor and the Council and provide cost account data when feasible and desirable. He shall assist the Mayor in the preparation of the yearly budget, appropriation ordinances and statements of anticipated income, and accept any other duties assigned to him by the Mayor.

SECTION 4.05. CITY DEPARTMENTS AND DIVISIONS.

Unless modified as provided in Section 4.08 or by the creation by ordinance of new agencies, the administrative branch of the City shall be organized into departments and divisions and shall contain the following service areas: Law; Finance; Planning/Zoning; Building Standards; Engineering, Public Works; Utilities; General Administration; Parks and Recreation; Police; and Fire. Other service areas may be created as needed by the Mayor with Council approval. The head of each service area, except for the Directors of Law and Finance, shall be appointed by the Mayor. The Directors of Law and Finance shall be appointed by the Mayor

with the consent of the majority of the members of Council. The head of each service area, except Police and Fire, shall serve at the pleasure of the Mayor.
(Amended 11-6-90)

SECTION 4.06. MANAGEMENT EMPLOYEES.

All directors, department heads and division heads shall have operational control and supervision over the employees and the work within their respective departments and division.

Each director and department head shall be a resident of the City of Wooster or shall become a resident within ninety (90) days after his/her appointment, and shall remain a resident throughout his/her tenure. A ninety (90)-day extension may be granted by the Mayor.

All directors, department heads, assistant department heads, division heads, and assistant division heads who serve at the pleasure of the Mayor shall be entitled to severance pay in addition to any other compensation or allowances that may be due them if the Mayor terminates their service without just cause. (Amended 11-6-01)

SECTION 4.07. COMMISSIONS AND BOARDS.

There shall be at least one member from each ward on any commission or board, except licensing boards, and where the total membership on the commission or board is less than the number of wards.

Boards and commissions in existence at the time this Charter goes into effect and not abolished herein shall continue as provided in the statutes or ordinances created and governing such boards and commissions until modified in accordance with this Charter.

SECTION 4.08. DEPARTMENTAL REORGANIZATION.

As used in this Charter, "agency" shall mean any department, division, bureau, board, or commission in the administrative branch of the City government.

As used in this section, "reorganize" or "reorganization" shall mean the abolition, consolidation or modification of existing agencies.

No agency of the City may be reorganized except in the manner provided in this section. The exclusive power to initiate a reorganization of an agency of the City shall be vested in the Mayor. The Mayor may propose a reorganization by filing a copy of a proposed ordinance or resolution setting forth the detailed provisions of the reorganization with the Clerk of Council. The Council shall consider the proposed ordinance or resolution setting forth the proposed reorganization in the same manner as any other ordinance or resolution, except that if it is modified or amended by the Council in any way it shall not be voted on as to its passage unless the Mayor shall agree to the modification or amendments in writing. If the Council shall fail to act upon an ordinance or resolution proposing a reorganization within sixty days after it is filed with the Clerk of Council, such ordinance or resolution shall be deemed to have been rejected and the power of the Council to adopt it shall lapse. The Mayor may reinstate the proposed reorganization.

ARTICLE V

THE CIVIL SERVICE

SECTION 5.01. GENERAL PROVISION.

Council shall have the power to adopt by ordinance rules and regulations prescribing the procedures for the selection, testing, promotion, demotion, discipline, removal and retirement of employees within the classified service of the Municipality, subject to the provisions of this Charter, which rules and regulations may modify, supplement, or supersede the laws of the State of Ohio, and in the case of conflict shall prevail over the laws of the State of Ohio.

(Amended 11-6-90)

SECTION 5.02. MUNICIPAL CIVIL SERVICE COMMISSION.

There shall be a Municipal Civil Service Commission composed of three residents of the municipality appointed by the Mayor with majority consent of Council, each member to serve for a term of six years. No more than two members of the Commission shall be of the same political party. Any vacancy shall be filled in like manner for any unexpired term.

The Municipal Civil Service Commission shall have all the powers and functions prescribed by the laws of the State of Ohio, this Charter, and the ordinances of Council. The Mayor shall appoint an administrative officer for the Commission.

(Amended 11-6-90)

SECTION 5.03. CLASSIFIED AND UNCLASSIFIED SERVICE.

Unless otherwise provided in this section, all compensated positions in the service of the Municipality shall be in the classified service and shall be appointed and promoted pursuant to competitive examinations. The following shall comprise the unclassified service of the Municipality:

1. Mayor;
2. President of Council;
3. Members of Council;
4. Clerk of Council and other employees of Council;
5. Directors; department heads and assistant department heads; and division heads and assistant division heads except in the Police and Fire divisions;
6. Members of boards and commissions established by this Charter or by ordinance of Council;
7. One administrative assistant to the Mayor; and one administrative assistant for each department;
8. All staff and employees of the Wooster Community Hospital;
9. Volunteer members of the Fire Division, and members of the auxiliary police unit of the Police Division;
10. Employees working less than an established work week; and seasonal employees;
11. Temporary employees;
12. Persons filling positions determined by Council to require exceptional qualifications of a scientific, managerial, professional, or educational character.

(Amended 11-6-01)

SECTION 5.04. CIVIL SERVICE EXAMINATIONS.

In administering competitive examinations the administrative officer appointed by the Mayor may use any one or more of the following methods:

1. Standard written aptitude, achievement, and intelligence examinations;
 2. Written or oral dissertations of objective nature designed to test the applicant's familiarity with the classification;
 3. Written or oral examinations which evaluate mental fitness, character traits, and attitudes;
 4. Performances or skill examinations which provide for assessment of the applicant's abilities and manual skills to perform the work required in the classification;
 5. Evaluation examinations which objectively and uniformly rate and evaluate the applicant's education, training, and past experience;
 6. Physical examinations of agility, endurance, coordination and muscular strength when pertinent to the classification;
 7. Oral examinations which demonstrate general knowledge, personal qualities, and communications skills;
 8. Any other method authorized by Council.
- (Amended 11-6-90)

SECTION 5.05. NEW EMPLOYEES.

All new classified employees of the Municipality shall serve a one-year probationary period. During this period, the supervisor of each employee shall evaluate the performance of the employee in writing, on an approved form, not less than three times and not less than fifteen days before the probationary period of the employee ends, and shall file a copy of the same with the Administrative Officer for the Commission.

Based on the evaluation reports and at any time within the probationary year, the Director of Administration may terminate the employment of the probationary employee without cause. Such action by the Director is final and not subject to appeal to the Municipal Civil Service Commission. Failure to terminate the employment of the probationary employee within the probationary year shall be deemed to constitute a permanent appointment in the classified service of the Municipality.

(Amended 11-6-90)

SECTION 5.06. PROMOTIONS IN THE CLASSIFIED SERVICE.

Except as otherwise provided in this charter, vacancies in positions in the classified service shall be filled, as far as practicable, by promotions. Promotions shall be made according to merit and fitness, determined by competitive examinations.

(Amended 11-4-80)

SECTION 5.07. PROMOTION TO CHIEF IN THE POLICE AND FIRE DIVISIONS.

When a vacancy occurs in the position of Chief in the Police Division, all regular sworn members of the Division above the rank of patrolman, who have completed five years of service in the division as regular sworn members, shall be eligible to take the examination for Chief.

When a vacancy occurs in the position of Chief in the Fire Division, all regular sworn members of the Division above the rank of firefighter, who have completed five years of service in the division as regular sworn members, shall be eligible to take the examination for Chief.

In either the Police or Fire Division, the Mayor may nominate two additional candidates to take the examination for Chief.
(Amended 11-4-80)

SECTION 5.08. DISCIPLINE.

Except where the employee is otherwise subject to a collective bargaining agreement, the Mayor, Director of Administration or designee may discipline, suspend, demote, or dismiss a classified employee of the Municipality for reasonable and just cause including but not limited to the following: neglect of duty, insubordination, conduct unbecoming an employee, malfeasance, nonfeasance, misfeasance, abuse of leave policy of the Municipality, physical incompetence, mental incompetence, failure to maintain a high level of professional performance, and any other cause that may be established by Council as a uniform rule. A department head or division head may also discipline or suspend, but not demote or dismiss, a classified employee within his/her department or division for the reasons provided above. The disciplining officer shall serve the employee with written notice of the charges preferred against him/her and written notice of the action taken, and shall also file a copy of the same within the Municipal Civil Service Commission.

Any employee within the classified service of the Municipality disciplined, suspended, demoted, or dismissed from his/her position shall have the right to a formal hearing before the Municipal Civil Service Commission, providing such employee files a written request for hearing with the Commission within ten (10) days after receipt of charges preferred against him/her and notice of the action taken. Not less than fifteen (15) days after its timely receipt of a written request for hearing, the Commission shall convene a hearing at which time the employee and his/her representative, and the disciplining officer and his/her representative, may participate. Such hearing shall be as informal as is compatible with the requirements of justice. Formal rules of evidence shall not be required; and the burden of proof necessary to support the discipline, suspension, demotion, or dismissal shall be a preponderance of the evidence. The hearing shall be conducted in public unless the employee waives the same in writing prior to the time of hearing. The Commission shall announce a decision within a reasonable time after the hearing has been completed. A majority vote of Commission members shall be required to render a decision.

The decision of the Municipal Civil Service Commission shall be a final appealable order.

The Municipal Civil Service Commission shall be charged with the responsibility of developing rules, regulations and procedures not in conflict with this Charter to govern the execution of its duties. These rules, regulations and procedures shall be adopted by Council as stated in Section 5.01 of this Charter. (Amended 11-6-01)

SECTION 5.09. POLITICAL ACTIVITY.

No classified employee shall participate in any manner in any municipal political campaign. A classified employee may participate in any non-municipal political campaign, except during working hours. Any employee who violates this section shall be subject to discipline as provided in Section 5.08 of this Charter.
(Amended 11-4-80.)

**ARTICLE VI
TAXATION AND FINANCE**

SECTION 6.01. FISCAL YEAR.

Unless modified by Council, the fiscal year of this City shall be the calendar year.

SECTION 6.02. ANNUAL BUDGET.

The Mayor shall prepare the annual budget (a preliminary financial plan) for consideration and approval by Council and the budget commission as required by law.
(Amended 11-4-80)

SECTION 6.03. TEMPORARY APPROPRIATION ORDINANCE.

Until such time as Council adopts an appropriation ordinance for the current fiscal year, amounts appropriated for operations for the preceding year shall be deemed adopted on a month-to-month basis, with all items in it prorated accordingly. However, Council may adopt a different temporary appropriation ordinance as permitted by the general laws of Ohio.

SECTION 6.04. ANNUAL APPROPRIATION ORDINANCE.

Effective for budget year 2002, no later than the second regular meeting in November of the year preceding the budget year, the Mayor shall submit to Council the annual appropriation ordinance. The proposed ordinance shall consist of financial reports in a format consistent with generally accepted accounting principles. The proposal shall be accompanied by written comment.

There shall be a history for the two prior years, and an estimate for the current year and for the next five years. There shall be a five-year capital plan for all funds. At a minimum each capital expenditure within the first two years of the plan shall be itemized according to the level which requires specific authorization from Council or the Board of Governors for expenditure of funds. Significant changes in projected income and expense shall have written comment. Council may require additional information.

No later than December 31 of the year preceding the budget year, Council shall adopt the annual appropriation ordinance. The ordinance may be subsequently amended. All ordinances appropriating funds for municipal use shall be effective immediately upon passage.

The procedures of this section may be adjusted by Council to accommodate changes in county budget requirements or in the municipal fiscal year.
(Amended 11-6-01)

SECTION 6.05. TRANSFER OF APPROPRIATIONS.

Any time during the fiscal year, the Mayor may transfer part of any unencumbered appropriation balance among accounts within a department or division. Any such transfer shall be reported in writing to Council. Upon written request by the Mayor, Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department or division to another in accordance with law.
(Amended 11-4-80)

SECTION 6.06. CAPITAL IMPROVEMENT FUND.

Council may create and maintain a capital improvement fund, and may from time to time transfer or appropriate thereto all moneys accruing to any other fund of the Municipality not needed for the purposes of such fund and available under law for transfer and also the unencumbered balance remaining in the General Fund at the end of any fiscal year. Moneys in the capital improvement fund shall be expended for capital improvements and debt service for capital improvements only.

SECTION 6.07. LIMITATION ON RATE OF TAXATION.

The Council shall not have the power to levy annually upon the tax lists or duplicates of property listed and assessed for taxation according to value, without a vote of the people, taxes for current expenses of the Municipal corporation of more than four and two-tenths mills, including those levies required by law for police and fire pensions, provided that said four and two-tenths mills shall be reduced in each year by that number of mills, including fractional parts thereof, which are levied in the respective year by the City within the ten mill limitation imposed by Article XII, Section 2, of the Ohio Constitution, for the purpose of paying interest on, and principal of, obligations issued without a vote of the people.

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 Ohio, nor shall the authority of Council to submit additional levies 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 6.08. ANNUAL AUDITS.

Council may authorize a financial audit of any or all affairs of the City. This may be in addition to audits by the State of Ohio.
(Amended 11-4-80)

ARTICLE VII NOMINATION, ELECTIONS, QUALIFICATIONS, INITIATIVE AND REFERENDUM

SECTION 7.01. GENERAL PROVISIONS.

Except as otherwise provided in this Charter, the general laws of Ohio shall govern all matters pertaining to nomination of candidates, elections, assumption to office by elected officers and conduct of elected officers of this Municipality.

SECTION 7.02. DEFINITIONS.

The term "elected officers" as used in this article shall be construed to include all persons, legislative and executive, who by the terms of this Charter are required to be elected by vote of the electors.

SECTION 7.03. QUALIFICATIONS OF ELECTED OFFICERS.

Each elected officer of the Municipality shall be an elector of the Municipality and shall have resided therein or in a territory annexed thereto for a period of at least one year prior to nomination for such office and shall continue to reside therein during his term.

Each Councilman elected to represent a ward shall be a continuous resident and qualified elector of the ward he represents, or territory annexed thereto, during his term of office.

Any elected officer who ceases to possess such qualifications shall forfeit his office.

SECTION 7.04. VOTING DISTRICTS.

All matters pertaining to voting districts within the Municipality, including their designation, number, apportionment and reapportionment, shall be governed by the general laws of Ohio, unless otherwise provided for in this Charter.

(Amended 11-6-01)

SECTION 7.05. ELECTIONS.

Primary and regular Municipal elections shall be held at the times prescribed by the general laws of Ohio, except as otherwise provided in this Charter.

SECTION 7.06. BEGINNING OF TERM OF OFFICE.

The term of office for an elected officer shall begin on January 1 next following a regular Municipal election.

SECTION 7.07. ELECTION TO FILL AN UNEXPIRED TERM.

(EDITOR'S NOTE: The provisions of Section 7.07 were repealed on November 4, 1980.)

SECTION 7.08. INITIATIVE AND REFERENDUM .

The powers of initiative and referendum are reserved to the people. Ordinances and other measures may be proposed by initiative petition and adopted by election, and ordinances and other measures adopted by the Council shall be subject to referendum, to the extent and manner now or hereafter provided by the general laws of Ohio, except as otherwise provided in this Charter.

Whoever seeks to propose an ordinance or measure by initiative petition or files a referendum petition against any ordinance or measure adopted by Council, shall, before circulating such petition, file a certified copy of the proposed ordinance or measure with the municipal Director of Finance.

As used in this section, "certified copy" means a copy containing a written statement attesting that it is a true and exact reproduction of the original proposed ordinance or measure or of the original ordinance or measure.

(Amended 11-6-01)

SECTION 7.09. RECALL.

The power of recall of elected officials is reserved to the people. The procedure to be followed shall be as provided by Section 705.92 of the Revised Code of Ohio, as that Section may be amended or revised, or if that Section shall be repealed or the Section number shall be changed, then as provided by any other general law applicable to non-charter municipalities.

ARTICLE VIII GENERAL PROVISIONS

SECTION 8.01. CONFLICT OF INTEREST.

Unless otherwise provided in this Charter or by Council, the laws of the State of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

(Amended 11-6-01)

SECTION 8.02. CHARTER AMENDMENT.

This Charter may be amended at any time as provided for in the Constitution of the State of Ohio.

SECTION 8.03. CHARTER REVIEW.

This Charter shall be reviewed in 1980 and every ten years thereafter. The review board shall consist of at least nine members of the electorate appointed by Council with representation from each ward. Amendments shall be submitted to the electors in the manner prescribed by the Constitution of the State of Ohio.

SECTION 8.04. SEPARABILITY.

If any provision of this Charter is held invalid by a court of competent jurisdiction, the other provisions of this Charter shall not be invalidated thereby.

SECTION 8.05. OATH OF OFFICE.

Any officer or employee of the Municipality who is required by law to take an oath of office shall also be required to pledge his support of the Charter and the ordinances of the City of Wooster.

SECTION 8.06. PUBLIC MEETING REQUIREMENT.

(a) This section shall be construed to require Wooster City Council and Wooster City boards and commissions to take official action and to conduct all deliberations upon official business only in open meetings, unless the subject matter is specifically excepted.

(b) As used in this section:

(1) "Public body" means the Council, any board, commission, committee, or similar decision-making body of the City of Wooster.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(c) The minutes of a regular or special meeting of any such public body shall be promptly recorded and open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (e) of this section.

(d) Every public body shall, by rule, establish a reasonable method whereby any person may determine the time and place, in advance, of all regularly scheduled meetings and the time, place, and purpose of all special meetings.

(e) The members of a public body may hold an executive session for the sole purpose of the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of any public employee or official, or the investigation or review of charges or complaints against any public employee, official, licensee, or regulated individual (whether elected or appointed), unless the public employee, official, licensee, or regulated individual requests a public hearing;

(2) To consider the acquisition and/or development of property for public purposes; or for the sale, lease, or other disposition of public property if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest;

(3) Conferences relating to litigation or threatened litigation or matters that may result in litigation or threatened liability to the City;

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(5) Matters required to be kept confidential by federal law or rules or state statutes;

(6) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;

(7) Following a public hearing by an appeals board or equalization board, such board may meet in executive session with members of that board only, to consider the evaluation of sworn testimony, make written findings of fact and prepare a written opinion on the appeal.

(f) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (e) of this section and conducted at an executive session held in compliance with this section.

(Added 11-6-90.)

ARTICLE IX TRANSITION

SECTION 9.01. OFFICERS AND EMPLOYEES.

(EDITOR'S NOTE: The provisions of Section 9.01 were repealed on November 6, 2001.)

SECTION 9.02. TRANSITION OF DEPARTMENTS, OFFICES AND AGENCIES.

If a department, office or agency is abolished by this Charter, the powers and duties given to it by law shall be transferred to the department, office or agency designated in this Charter, or if the Charter makes no provision, designated by Council.

SECTION 9.03. PENDING MATTERS.

All rights, claims, actions, orders, contracts, and legal or administrative proceeding shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the department, office or agency appropriate under this Charter.

SECTION 9.04. EXISTING LAWS.

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 Council.

SECTION 9.05. TRANSITION FROM CLASSIFIED TO UNCLASSIFIED SERVICE.

Any employee holding a position in the classified service, which position is subsequently placed in the unclassified service by amendment to this Charter, shall continue as a classified employee. Subsequent vacancies in such position shall be filled in the manner provided in this Charter for positions in the unclassified service.

(Added 11-4-80.)

ARTICLE X WOOSTER COMMUNITY HOSPITAL

SECTION 10.01. GENERAL PROVISION.

Except as otherwise provided in this Charter or by ordinance of the Council, the general laws of Ohio applicable to municipal hospitals shall govern matters pertaining to the City's Municipal Hospital, now known as Wooster Community Hospital.

(Added 11-2-76.)

SECTION 10.02. BOARD OF GOVERNORS.

The Municipal Hospital shall be operated, managed and controlled by a Board of Governors comprised of six members consisting of the Mayor, who by virtue of his office shall be its president, and five electors of the City, at least one of whom shall be a doctor of medicine, to be appointed by the Mayor with the consent of the Council each for a term of four years. A vacancy in the office of any appointed member shall be filled in like manner for the unexpired term of such office. Where the City has entered in a participatory agreement with a joint township hospital district board or with a board of county commissioners concerning the involvement of such district or county in the erection or enlargement of the Hospital, the maintenance and operation thereof, or both, the membership of the Board of Governors shall be expanded to include such representatives appointed by the participating district or county board as may be provided for in any such agreement.

A majority of the members of the Board of Governors, as it may be expanded, shall constitute a quorum. Such Board may establish such by-laws and regulations governing its procedures, and may elect such officers other than president, as its members determine. Members

shall be entitled to such compensation for their services as may be established by the Council or, where the City has entered into a participatory agreement with a joint township hospital district board or with a board of county commissioners, as may be provided for in such agreement.
(Added 11-2-76.)

SECTION 10.03. POWERS AND DUTIES OF BOARD OF GOVERNORS.

Subject to ordinances of Council and, where the City has entered into a participatory agreement with a joint township hospital district board or with a board of county commissioners, to any limitations set forth in such agreement, the Board of Governors shall have and be responsible for the management, operation and control of the Hospital and for the maintenance, repair, renovation, improvement, enlargement or expansion of Hospital facilities. In the exercise of such responsibilities, the Board shall be empowered, as it deems necessary or appropriate, to: (1) adopt rules for Hospital government and operation and for the admission of persons to Hospital privileges; (2) establish charges and rates for Hospital services; (3) employ an administrator, a professional medical staff and other administrative, professional and supportive personnel; (4) contract for, and authorize the expenditure of funds relating to, the purchase of supplies, materials, equipment and furnishings, and the performance of work and services, incidental to the operation and management of the Hospital or the maintenance, repair, renovation, improvement, enlargement or expansion of Hospital facilities except that purchases of real property which are not included in the annual appropriation ordinance shall be subject to City Council approval; and (5) manage, administer and authorize the expenditure of any funds or property donated, by deed of gift, devise or bequest, to the Hospital for Hospital purposes.

All Hospital personnel and staff employed by the Board of Governors shall be in the unclassified civil service of the City and the Board shall establish such procedures for the selection, promotion, demotion, discipline and dismissal of Hospital employees as it deems appropriate. The Board shall also fix the compensation and other conditions of employment for Hospital staff and personnel, provided that the ranges of compensation for such Hospital employees shall be subject to approval of Council.

All contracts made by the Board of Governors shall be executed in the name of the City by the chief administrative officer of the Hospital, or such other Hospital officer as may from time to time be designated by the Board, only after such contracts have been approved and such execution authorized by the resolution of the Board. In approving and authorizing such contracts, the Board shall comply with all applicable requirements governing the award of public contracts, including requirements relative to advertisement and formal bidding procedures, as are prescribed by this Charter or by Ordinance of Council or, when not prescribed by Charter or Ordinance, as provided by the general laws of the State of Ohio.
(Amended 11-6-01)

SECTION 10.04. FISCAL AFFAIRS.

The Director of Finance, as the chief fiscal officer of the City, shall, with respect to the Hospital, perform the functions and duties required of the Director pursuant to Section 4.04 of this Charter, including the supervision of Hospital accounting, the custody and investment of Hospital funds, including funds donated to the Hospital, and the disbursement thereof upon the authorization of the Board of Governors. At the request of the Director of Finance, the Mayor may designate an officer or employee of the Hospital to exercise and discharge such duties and functions of the Director of Finance with respect to the financial affairs and operations of the

Hospital as may be specified by the Mayor. Any such officer or employee so designated shall undertake to assume and perform the duties and functions to be assumed and performed by him only after first giving bond in such amount as may be established by ordinance of Council and shall thereafter serve, acting with the title of Deputy Director of Finance for Hospital Affairs, at the pleasure of the Mayor. The Board of Governors shall assist the Mayor and Director of Finance in the preparation of those portions of each annual budget and appropriation ordinance, prepared pursuant to Article VI of this Charter, which concern the Hospital.
(Added 11-2-76.)

SECTION 10.05. LEASE OF HOSPITAL FACILITIES.

Notwithstanding any other provisions of this charter, including any other provision of this Article X, the City may, upon the approval of Council and the majority of the voters of the City voting thereon at any general election, and where the City has entered into participatory agreement with a joint township hospital district board or with a board of County Commissioners, upon the approval of such district or county board, lease all or any portion of the land, buildings, and other facilities of the hospital for use as hospital facilities to a corporation organized for a charitable purpose and not for profit, duly empowered to own or operate a hospital or hospital facilities in the State of Ohio.

Any such lease shall be negotiated by Council and submitted to voters of the City for their approval at any general election. This lease shall be negotiated in accordance with the general laws of the State of Ohio and shall provide that all corporation members shall reside in the political subdivisions which constitute the hospital district. Legislation for said lease shall be presented at three regular meetings of Council. The authorizations contained in this Section 10.05 are in addition to but not a limitation upon any authorizations granted by or pursuant to the general laws of the State of Ohio for the same or similar purposes.
(Amended 11-4-80)

SECTION 10.06. TRANSITION.

(EDITOR'S NOTE: The provisions of Section 10.06 were repealed on November 6, 1990.)