

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to HB 594:

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Lawrenceville; to provide for incorporation,
2 boundaries, powers, and construction; to provide for a governing authority and its
3 membership, elections, and terms; to provide for vacancies; to provide for inquiries and
4 investigations; to provide for meetings and voting of the governing authority; to provide for
5 powers of the mayor and city council; to provide for boards, commissions, and authorities;
6 to provide for ordinances; to provide for a city manager, city clerk, and city attorney; to
7 provide for employment matters; to provide for a municipal court, its judges, jurisdiction, and
8 powers; to provide for certiorari and rules of the court; to provide for budgets; to provide for
9 disposition of municipal property; to provide for taxes, fees, franchises, and other charges
10 and assessments; to provide for bonds and short-term loans; to provide contract procedures;
11 to provide for bonds for officials, prior ordinances, existing personnel and officers, pending
12 matters, and construction; to provide for other matters relative to the foregoing; to provide
13 a specific repealer; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 ARTICLE I
16 CREATION, INCORPORATION, POWERS

17 SECTION 1.01.

18 Name.

19 This city and the inhabitants thereof are constituted and declared a body politic and corporate
20 under the name and style "City of Lawrenceville" and by that name shall have perpetual
21 existence.

SECTION 1.02.

Corporate boundaries.

(a) The boundaries of the City of Lawrenceville shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official map (or description) of the corporate limits of the City of Lawrenceville, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.03.

Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city.

(c) The powers of the city shall include, but shall not be limited to, the following:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide penalties for the violation of ordinances enacted hereunder;

(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

- 54 (3) Building regulation. To regulate and to license the erection and construction of
55 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
56 and heating and air conditioning codes; and to regulate all housing and building trades;
- 57 (4) Business regulation and taxation. To levy and to provide for the collection of
58 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
59 by Title 48 of the Official Code of Georgia Annotated, or such other applicable laws as
60 are or may hereafter be enacted; to permit and regulate the same; to provide for the
61 manner and method of payment of such regulatory fees and taxes; and to revoke such
62 permits after due process for failure to pay any city taxes or fees;
- 63 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
64 city, for present or future use and for any corporate purpose deemed necessary by the
65 governing authority, utilizing procedures enumerated in Title 22 of the Official Code of
66 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- 67 (6) Contracts. To enter into contracts and agreements with other governmental entities
68 and with private persons, firms, and corporations;
- 69 (7) Emergencies. To establish procedures for determining and proclaiming that an
70 emergency situation exists inside or outside the city, and to make and carry out all
71 reasonable provisions deemed necessary to deal with or meet such an emergency for the
72 protection, safety, health, or well-being of the citizens of the city;
- 73 (8) Eminent domain. The city council is empowered to acquire, construct, operate, and
74 maintain public ways, parks, public grounds, cemeteries, markets, market houses, public
75 buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas
76 systems, airports, hospitals, and charitable, educational, recreational, sport, curative,
77 corrective, detentional, penal, and medical institutions, agencies, and facilities, and any
78 other public improvements inside or outside the city, and to regulate the use thereof, and
79 for such purposes, property may be condemned under procedures now or hereafter
80 established under the general laws of this state;
- 81 (9) Employee benefits. To provide and maintain a retirement plan, insurance, and such
82 other employee benefits for appointed officers and employees of the city as are
83 determined by the city council;
- 84 (10) Environmental protection. To protect and preserve the natural resources,
85 environment and vital areas of the city, the region, and the state through the preservation
86 and improvement of air quality, the restoration and maintenance of water resources, the
87 control of erosion and sedimentation, the management of stormwater and establishment
88 of a stormwater utility, the management of solid and hazardous waste, and other
89 necessary actions for the protection of the environment;

- 90 (11) Ethics. To adopt ethics ordinances and regulations governing the conduct of
91 municipal elected officials, appointed officials, and employees, establishing procedures
92 for ethics complaints and setting forth penalties for violations of such rules and
93 procedures;
- 94 (12) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection
95 and disposal, and other sanitary service charge, fee, or, if authorized by general law, tax
96 for such services as may be necessary in the operation of the city from all individuals,
97 firms, and corporations residing or doing business therein benefitting from such services;
98 to enforce the payment of such charges, taxes, or fees; and to provide for the manner and
99 method of collecting such service charges;
- 100 (13) General health, safety, and welfare. To define, regulate, and prohibit any act,
101 practice, conduct, or use of property which is detrimental to the health, sanitation,
102 cleanliness, welfare, and safety of the inhabitants of the city; and to provide for the
103 enforcement of such standards;
- 104 (14) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
105 any purpose related to powers and duties of the city and the general welfare of its
106 citizens, on such reasonable terms and conditions as the donor or grantor may impose;
- 107 (15) Health and sanitation. To prescribe standards of health and sanitation and to
108 provide for the enforcement of such standards;
- 109 (16) Jail sentences. To provide that persons given jail sentences in the municipal court
110 may work out such sentences in any public works or on the streets, roads, drains, and
111 other public property in the city; to provide for commitment of such persons to any jail;
112 to provide for the use of pretrial diversion and any alternative sentencing allowed by law,
113 or to provide for the commitment of such persons to any county work camp or county jail
114 by agreement with the appropriate county officials;
- 115 (17) Motor vehicles. To regulate the operation of motor vehicles and exercise control
116 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
117 of the city;
- 118 (18) Municipal agencies and delegation of power. To create, alter, or abolish
119 departments, boards, offices, commissions, and agencies of the city, and to confer upon
120 such agencies the necessary and appropriate authority for carrying out all the powers
121 conferred upon or delegated to the same;
- 122 (19) Municipal debts. To appropriate and borrow money for the payment of debts of the
123 city and to issue bonds for the purpose of raising revenue to carry out any project,
124 program, or venture authorized by this charter or the laws of the State of Georgia;
- 125 (20) Municipal property ownership. To acquire, hold, sell, exchange, rent, lease, or
126 otherwise acquire or dispose of any real, personal, or mixed property, in fee simple or

127 lesser interest, whether held by the city in its proprietary, governmental, or other capacity,
128 inside or outside of the corporate boundaries of the city and wherever located;

129 (21) Municipal property protection. To provide for the preservation and protection of
130 property and equipment of the city, and the administration and use of same by the public;
131 and to prescribe penalties and punishment for violations thereof;

132 (22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
133 of public utilities, including, but not limited to, a system of waterworks, sewers and
134 drains, sewage disposal, stormwater management, gas works, electric works, cable
135 television and other telecommunications, transportation facilities, public airports, and any
136 other public utility; to fix the taxes if authorized by general law, charges, rates, fares,
137 fees, assessments, regulations, and penalties; and to provide for the withdrawal of service
138 for refusal or failure to pay the same;

139 (23) Nuisance. To define a nuisance and provide for its abatement whether on public or
140 private property;

141 (24) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
142 the authority of this charter and the laws of the State of Georgia;

143 (25) Planning and zoning. To provide comprehensive city planning for development by
144 zoning; and to provide subdivision regulation and the like as the city council deems
145 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

146 (26) Police and fire protection. To exercise the power of arrest through duly appointed
147 police officers, and to establish, operate, or contract for a police and a fire-fighting
148 agency;

149 (27) Public hazards and removal. To provide for the destruction and removal of any
150 building or other structure which is or may become dangerous or detrimental to the
151 public;

152 (28) Public improvements. To provide for the acquisition, construction, building,
153 operation, and maintenance of public ways, parks, and playgrounds, recreational
154 facilities, cemeteries, markets and market houses, public buildings, libraries, public
155 housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural,
156 educational, recreational, conservation, sport, curative, corrective, detentional, penal, and
157 medical institutions, agencies, and facilities; to provide any other public improvements,
158 inside or outside the corporate limits of the city; to regulate the use of public
159 improvements; and for such purposes, property may be acquired by condemnation under
160 Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are
161 or may hereafter be enacted;

162 (29) Public opinion questions. The city council may place public opinion questions on
163 the ballots of general and special elections and are authorized by this charter to expend
164 public funds to conduct such nonbinding public opinion questions.

165 (30) Public peace. To provide for the prevention and punishment of loitering, disorderly
166 conduct, drunkenness, riots, and public disturbances;

167 (31) Public transportation. To organize and operate such public transportation systems
168 as are deemed beneficial;

169 (32) Public utilities and services. To grant franchises or make contracts for, or impose
170 taxes if authorized by general law on, public utilities and public service companies; and
171 to prescribe the rates, fares, regulations, and standards and conditions of service
172 applicable to the service to be provided by the franchise grantee or contractor, insofar as
173 not in conflict with valid regulations of the Public Service Commission;

174 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,
175 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
176 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
177 roads or within view thereof, within or abutting the corporate limits of the city; and to
178 prescribe penalties and punishment for violation of such ordinances;

179 (34) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
180 of, abandon or close, construct, pave, curb, gutter, landscape with shade trees, or
181 otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys,
182 and walkways within the corporate limits of the city; to grant franchises and
183 rights-of-way throughout the streets and roads and over the bridges and viaducts for the
184 use of public utilities; and to require real estate owners to repair and maintain in a safe
185 condition the sidewalks adjoining their lots or lands, and to impose penalties for failure
186 to do so;

187 (35) Sewer fees. To levy a fee, charge, or sewer tax, if authorized by general law, as
188 necessary to assure the acquiring, constructing, equipping, operating, maintaining, and
189 extending of a sewage disposal plant and sewerage system, and to levy on those to whom
190 sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax
191 for the availability or use of the sewers; to provide for the manner and method of
192 collecting such service charges and for enforcing payment of the same; and to charge,
193 impose, and collect a sewer connection fee or fees to those connected with the system;

194 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
195 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
196 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
197 paper, and other recyclable materials, and to provide for the sale of such items;

198 (37) Special areas of public regulation. To regulate junk dealers and pawn shops; to
 199 regulate or prohibit the manufacture, sale, or transportation of intoxicating liquors; to
 200 regulate the transportation, storage, and use of combustible, explosive, and flammable
 201 materials, the use of lighting and heating equipment, and any other business or situation
 202 which may be dangerous to persons or property; to regulate and control the conduct of
 203 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any
 204 kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional
 205 fortunetelling, palmistry, adult bookstores, and massage parlors;

206 (38) Special assessments. To levy and provide for the collection of special assessments
 207 to cover the costs for any public improvements;

208 (39) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
 209 and collection of taxes on all property subject to taxation;

210 (40) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
 211 future by law;

212 (41) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 213 number of such vehicles; to require the operators thereof to be licensed; to require public
 214 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 215 regulate the parking of such vehicles;

216 (42) Urban redevelopment. To organize and operate an urban development program;

217 (43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 218 and immunities necessary or desirable to promote or protect the safety, health, peace,
 219 security, good order, comfort, convenience, or general welfare of the city and its
 220 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 221 all powers granted in this charter as fully and completely as if such powers were fully
 222 stated herein; to exercise all powers now or in the future authorized to be exercised by
 223 other municipal governments under other laws of the State of Georgia; and no listing of
 224 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
 225 general words and phrases granting powers, but shall be held to be in addition to such
 226 powers unless expressly prohibited to municipalities under the Constitution or applicable
 227 laws of the State of Georgia.

228 **SECTION 1.04.**

229 Exercise of powers.

230 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 231 employees shall be carried into execution as provided by this charter. If this charter makes

232 no provision, such shall be carried into execution as provided by ordinance of the City of
 233 Lawrenceville or as provided by pertinent laws of the State of Georgia.

234 **ARTICLE II**

235 **GOVERNMENT STRUCTURE, ELECTIONS, LEGISLATIVE BRANCH**

236 **SECTION 2.01.**

237 City council creation; number; election.

238 (a) The legislative authority of the government of the City of Lawrenceville, except as
 239 otherwise specifically provided in this charter, shall be vested in a city council.

240 (b) The city council of Lawrenceville, Georgia, shall consist of a mayor and four
 241 councilmembers. The mayor shall be a voting member.

242 (c) General municipal elections shall be held on the Tuesday after the first Monday in
 243 November of each odd-numbered year.

244 **SECTION 2.02.**

245 Mayor and city councilmembers; terms and qualifications for office.

246 (a) The mayor and city councilmembers shall serve terms of four years and their terms shall
 247 expire January 1 when the term of office of their successor begins in accordance with Section
 248 2.09 of this charter.

249 (b) No person elected in the general municipal election of 2012, or any election thereafter,
 250 shall serve as mayor or as city councilmember for more than 12 consecutive years. Years
 251 of service, whether by special election or appointment, prior to the first full term of four
 252 years shall not count toward the term limit set forth in this subsection.

253 (c) Any person serving as mayor or councilmember shall be a qualified elector of the city.
 254 No person shall be eligible to serve as mayor or councilmember unless that person shall have
 255 been a resident of the City of Lawrenceville for a continuous period of at least 12 months
 256 immediately prior to the date of the election, shall continue to reside therein during that
 257 person's period of service, and shall continue to be registered and qualified to vote in
 258 municipal elections of the City of Lawrenceville.

259 **SECTION 2.03.**

260 Vacancy; filling of vacancies; suspensions.

261 (a) Except as authorized by law, elected officials shall not hold any other elected public
 262 office or hold any position of employment with the City of Lawrenceville during the term

263 for which the officer was elected. The elective offices of the city's government shall become
 264 vacant upon the member's death, resignation, forfeiture of office, or removal from office in
 265 any manner authorized by this charter or by the general laws of the State of Georgia. The
 266 following shall result in an elected city official forfeiting his or her office:

- 267 (1) Violating the provisions of this charter;
 268 (2) Being convicted of, or pleading guilty or "no contest" to, a felony or crime of moral
 269 turpitude; or
 270 (3) Failing to attend one-third of the regular meetings of the council in a three-month
 271 period without being excused by the city council.

272 (b) A vacancy in the office of mayor or city councilmember shall be filled for the remainder
 273 of the unexpired term by a special election if such vacancy occurs 12 months or more prior
 274 to the expiration of the term of that office. If such vacancy occurs less than 12 months prior
 275 to the expiration of the term of that office, the city council or those members remaining shall
 276 appoint a successor for the remainder of the term. This subsection shall also apply to a
 277 temporary vacancy created by the suspension from office of the mayor or any city
 278 councilmember.

279 **SECTION 2.04.**

280 Nonpartisan elections.

281 Political parties shall not conduct primaries for city offices, and all names of candidates for
 282 city offices shall be listed without party designation.

283 **SECTION 2.05.**

284 Election votes.

285 The candidates for mayor and city council who receive a majority of the votes cast of the
 286 qualified electors of the city at large voting at the elections of the city shall be elected to a
 287 term of office. In the event no candidate receives a majority of the votes cast in said election,
 288 a run-off election shall be held between the two candidates receiving the highest number of
 289 votes. Such run-off election shall be held at the time specified by state election law, unless
 290 such run-off date is postponed by court order.

291 **SECTION 2.06.**

292 Applicability of general laws; qualifying; other provisions.

293 All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the
294 Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter
295 amended or otherwise provided by law. Except as otherwise provided in this charter, the city
296 council shall, by ordinance or resolution, prescribe such rules and regulations as it deems
297 appropriate, including but not limited to the establishment of qualifying fees, to fulfill any
298 options and duties under Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
299 the "Georgia Election Code," as now or hereafter amended or otherwise provided by law.

300 **SECTION 2.07.**

301 Compensation and expenses.

302 The city council shall be authorized to fix the compensation of the mayor and
303 councilmembers in accordance with the provisions of Code Section 36-35-4 of the Official
304 Code of Georgia Annotated, as may be amended from time to time.

305 **SECTION 2.08.**

306 Inquiries and investigations.

307 The city council may make inquiries and investigations into the affairs of the city and the
308 conduct of any department, office, or agency thereof, and for this purpose, may subpoena
309 witnesses, administer oaths, take testimony, and require the production of evidence. Any
310 person who fails or refuses to obey a lawful order issued in the exercise of these powers by
311 the city council shall be punished as provided by ordinance.

312 **SECTION 2.09.**

313 Meetings, oath of office, and mayor pro tempore.

314 (a) The city council shall hold an organizational meeting on the third Wednesday in
315 December of each election year for the purpose of swearing in elected officials whose term
316 will begin January 1 of the following year. The meeting shall be called to order by the
317 mayor-elect and the oath of office shall be administered to the newly elected mayor and
318 councilmembers collectively by the city clerk or a judicial officer authorized to administer
319 oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

320 "I do solemnly swear or affirm that I will faithfully execute the office of [councilmember or
321 mayor, as the case may be] of the City of Lawrenceville and that I will support and defend
322 the Constitution of the United States, the Constitution of Georgia, and the charter,
323 ordinances, and regulations of the City of Lawrenceville. I am not the holder of any
324 unaccounted for public money due this state or any political subdivision or authority thereof.
325 I am not the holder of any office of trust under the government of the United States, any
326 other state, or any foreign state which I by the laws of the State of Georgia am prohibited
327 from holding. I am otherwise qualified to hold said office according to the Constitution and
328 laws of Georgia. I have been a resident of the City of Lawrenceville for the time required
329 by the Constitution and laws of this state and by the municipal charter. I will perform the
330 duties of my office in the best interests of the City of Lawrenceville to the best of my ability
331 without fear, favor, affection, reward, or expectation thereof."

332 (b) Following the induction of the mayor and councilmembers, the city council, by a
333 majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore,
334 who shall serve for a term of one year and until a successor is elected and qualified. The
335 number of successive terms an individual may hold a position as mayor pro tempore shall
336 be unlimited.

337 (c) The mayor pro tempore shall assume the duties and powers of the mayor during the
338 mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent
339 because of sickness or disqualification, any one of the remaining councilmembers, chosen
340 by the councilmembers present, shall be clothed with all the rights and privileges of the
341 mayor as described in this charter and shall perform the mayor's duties in the same manner
342 as the mayor pro tempore.

343 (d) The city council shall, at least once a month, hold regular meetings at such times and
344 places as prescribed by ordinance. The city council may recess any regular meeting and
345 continue such meeting to any day or hour it may fix and may transact any business at such
346 continued meeting as may be transacted at any regular meeting.

347 (e) Special meetings of the city council shall be held on the call of either the mayor and one
348 councilmember or two councilmembers. Notice of such special meetings shall be delivered
349 to all councilmembers, the mayor, and the city manager personally, by registered mail, or by
350 electronic means at least 24 hours in advance of the meeting. Such notice shall not be
351 required if the mayor, all councilmembers, and the city manager are present when the special
352 meeting is called. Such notice of any special meeting may be waived by the mayor, a
353 councilmember, or the city manager in writing before or after such a meeting, and attendance
354 at the meeting shall also constitute a waiver of notice. The notice of such special meeting
355 shall state what business is to be transacted at the special meeting. Only the business stated
356 in the call shall be transacted at the special meeting.

357 **SECTION 2.10.**

358 Quorum; voting.

359 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
 360 business for the city council. The mayor shall be counted toward the making of a quorum.
 361 Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall
 362 be recorded in the minutes, but on the request of any member there shall be a roll-call vote.
 363 In order for any ordinance, resolution, motion, or other action of the city council to be
 364 adopted, the measure must receive at least three affirmative votes and must receive the
 365 affirmative votes of a majority of those voting. The mayor shall have one vote on all matters
 366 brought before the council.

367 (b) The following types of actions require an ordinance in order to have the force of law:

- 368 (1) Adopt or amend an administrative code or establish, alter, or abolish a department,
 369 office, or agency not specified in this charter;
 370 (2) Provide for a fine or other penalty;
 371 (3) Levy taxes;
 372 (4) Grant, renew, or extend a franchise;
 373 (5) Regulate a rate for a public utility;
 374 (6) Authorize the borrowing of money;
 375 (7) Convey, lease, or encumber city land;
 376 (8) Regulate land use and development; or
 377 (9) Amend or repeal an ordinance already adopted.

378 (c) The city council shall establish by ordinance procedures for convening emergency
 379 meetings. In an emergency, an ordinance may be passed without notice or a hearing if the
 380 city council passes the ordinance by majority vote; provided, however, that the city council
 381 cannot in an emergency meeting:

- 382 (1) Levy taxes;
 383 (2) Grant, renew, or extend a franchise;
 384 (3) Regulate a rate for a public utility; or
 385 (4) Borrow money.

386 **SECTION 2.11.**

387 General power and authority of the city council.

388 (a) Except as otherwise provided by law or by this charter, the city council shall be vested
 389 with all the powers of government of the City of Lawrenceville as provided by Article I of
 390 this charter.

391 (b) In addition to all other powers conferred upon it by law, the city council shall have the
 392 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
 393 regulations, not inconsistent with this charter and the Constitution and the laws of the State
 394 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
 395 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 396 or well-being of the inhabitants of the City of Lawrenceville and may enforce such
 397 ordinances by imposing penalties for violation thereof.

398 **SECTION 2.12.**

399 Powers and duties of mayor.

400 The mayor shall have the following powers and duties:

- 401 (1) Preside at all meetings of the city council;
- 402 (2) Serve as the ceremonial head of the city and as its official representative to federal,
 403 state, and local governmental bodies and officials and to be the official spokesperson for
 404 the city council and the chief advocate of city council policies;
- 405 (3) Recommend to the councilmembers such measures relative to the affairs of the city,
 406 improvement of the government, and promotion of the welfare of its inhabitants as such
 407 officer may deem expedient;
- 408 (4) Administer oaths and take affidavits;
- 409 (5) Execute all contracts, deeds, and other obligations of the city within a level of
 410 authorization as established by the city council; and
- 411 (6) Vote on matters before the city council to the extent provided in subsection (a) of
 412 Section 2.10 of this charter.

413 **SECTION 2.13.**

414 Boards, commissions, and authorities.

415 (a) The city council shall create by ordinance such boards, commissions, and authorities to
 416 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
 417 necessary and shall by ordinance establish the composition, period of existence, duties, and
 418 powers thereof.

419 (b) All members of boards, commissions, and authorities of the city shall be appointed by
 420 the mayor and city councilmembers for such terms of office and in such manner as shall be
 421 provided by ordinance, except where other appointing authority, terms of office, or manner
 422 of appointment is prescribed by this charter or by applicable state law.

- 423 (c) The city council by ordinance may provide for the compensation and reimbursement for
 424 actual and necessary expenses of the members of any board, commission, or authority.
- 425 (d) Except as otherwise provided by charter or by law, no member of any board,
 426 commission, or authority shall hold any elective office in the city.
- 427 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
 428 unexpired term in the manner prescribed herein for original appointment, except as otherwise
 429 provided by this charter or any applicable law of the State of Georgia.
- 430 (f) No member of a board, commission, or authority shall assume office until the member
 431 has executed and filed with the city clerk an oath obligating the member to faithfully and
 432 impartially perform the duties of the member's office, such oath to be prescribed by
 433 ordinance and administered by the mayor or a judicial officer authorized to administer oaths.
- 434 (g) Any member of a board, commission, or authority may be removed from office with or
 435 without cause by a vote of three members of the city council.
- 436 (h) Except as otherwise provided by this charter or by law, each board, commission, or
 437 authority of the city shall elect one of its members as chairperson and one member as vice
 438 chairperson for terms of one year and may elect as its secretary one of its own members or
 439 may appoint as secretary an employee of the city. Each board, commission, or authority of
 440 the city government may establish such bylaws, rules, and regulations, not inconsistent with
 441 this charter, ordinances of the city, or applicable state law, as it deems appropriate and
 442 necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws,
 443 rules, and regulations shall be filed with the city clerk.

444 **SECTION 2.14.**

445 Ordinance form; procedures.

- 446 (a) Every proposed ordinance and resolution shall be introduced in writing, and the city
 447 council shall have the authority to approve, disapprove, or amend the same. After the title
 448 of any proposed resolution or ordinance is read at a city council meeting, it may be approved
 449 and passed at such time by the city council.
- 450 (b) The catchlines of sections of this charter or any ordinance printed in boldface type,
 451 italics, or otherwise are intended as mere catchwords to indicate the contents of the section
 452 and shall not be:
- 453 (1) Deemed or taken to be titles of such sections or as any part of the section; and
 454 (2) So deemed when any of such sections, including the catchlines, are amended or
 455 reenacted unless expressly provided to the contrary.

456 (c) Furthermore, the article and section headings contained in this charter shall not be
 457 deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of
 458 the provisions of any article or section hereof.

459 (d) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the
 460 conduct of its business, including procedures and penalties for compelling the attendance of
 461 an absent mayor or councilmember. Such rules may include punishment for contemptuous
 462 behavior conducted in the presence of the city council.

463 **SECTION 2.15.**

464 Submission of ordinances to the city clerk.

465 (a) Every ordinance, resolution, and other action adopted by the city council shall be
 466 presented to the city clerk within 15 days of its adoption or approval. The city clerk shall
 467 record upon the ordinance the date of its delivery from the city council.

468 (b) An ordinance or resolution that has been passed by the city council shall become
 469 effective on the date the ordinance is passed by the city council or on such other date as may
 470 be specified in the ordinance.

471 **SECTION 2.16.**

472 Holding other office; voting when financially interested.

473 (a) Elected and appointed officers of the City of Lawrenceville are trustees and servants of
 474 the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

475 (b) No elected officer, appointed officer, employee, or member of a board, commission, or
 476 authority, or employee of the city or any agency or political entity to which this charter
 477 applies shall knowingly:

478 (1) Engage in any business or transaction, or have a financial or other personal interest,
 479 direct or indirect, which is incompatible with the proper discharge of that person's official
 480 duties or which would tend to impair the independence of the official's judgment or action
 481 in the performance of those official duties;

482 (2) Engage in or accept private employment or render services for private interests when
 483 such employment or service is incompatible with the proper discharge of that person's
 484 official duties or would tend to impair the independence of the official's judgment or
 485 action in the performance of those official duties;

486 (3) Disclose confidential information obtained at meetings which are closed pursuant to
 487 Chapter 14 of Title 50 of the O.C.G.A. concerning the property, governance, or affairs
 488 of the governmental body by which the official is engaged without proper legal

489 authorization or use such information to advance the financial or other private interest of
490 the official or others;

491 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
492 from any person, firm, or corporation which to the official's knowledge is interested,
493 directly or indirectly, in any manner whatsoever in business dealings with the
494 governmental body by which the official is engaged; provided, however, that an elected
495 official who is a candidate for public office may accept campaign contributions and
496 services in connection with any such campaign;

497 (5) Represent other private interests in any action or proceeding against this city or any
498 portion of its government; or

499 (6) Vote or otherwise participate in the negotiations or in the making of any contract with
500 any business or entity in which the official has a financial interest.

501 (c) Any elected officer, appointed officer, or employee who shall have any private financial
502 interest, directly or indirectly, in any contract or matter pending before or within any
503 department of the city shall disclose such private interest to the city council. The mayor or
504 any councilmember who has a private interest in any matter pending before the city council
505 shall disclose such private interest and such disclosure shall be entered on the records of the
506 city council, and he or she shall disqualify himself or herself from participating in any
507 decision or vote relating thereto. Any elected officer, appointed officer, or employee of any
508 agency or political entity to which this charter applies who shall have any private financial
509 interest, directly or indirectly, in any contract or matter pending before or within such entity
510 shall disclose such interest to the governing body of such agency or entity.

511 (d) No elected officer, appointed officer, or employee of the city or any agency or entity to
512 which this charter applies shall use property owned by such governmental entity for personal
513 benefit or profit but shall use such property only in his or her capacity as an officer or
514 employee of the city.

515 (e) Any violation of this section which occurs with the knowledge, express or implied, of
516 a party to a contract or sale shall render such contract or sale voidable at the option of the city
517 council.

518 (f) Except as authorized by law, neither the mayor nor any councilmember shall hold any
519 other elective or appointive office in the City of Lawrenceville or otherwise be employed by
520 the City of Lawrenceville or any agency thereof during the term for which he or she was
521 elected. No former mayor and no former councilmember shall hold any appointive office
522 in the city until one year after the expiration of the term for which the official was elected.

523 (g) No appointed officer of the city, other than the city attorney, shall continue in such
524 employment upon qualifying as a candidate for nomination or election to any public office.
525 No employee of the city shall continue in such employment upon qualifying as a candidate

526 for nomination or election to any public office in this city or any other public office which
 527 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
 528 determination shall be made by the city council either immediately upon election or at any
 529 time such conflict may arise.

530 (h)(1) Any officer or employee of the city who knowingly conceals such financial
 531 interest or knowingly violates any of the requirements of this section shall be guilty of
 532 malfeasance in office or position and shall be deemed to have forfeited that person's
 533 office or position.

534 (2) Any officer or employee of the city who shall forfeit an office or position as
 535 described in paragraph (1) of this subsection shall be ineligible for appointment or
 536 election to or employment in a position in the city government for a period of three years
 537 thereafter.

538 ARTICLE III

539 EXECUTIVE BRANCH

540 SECTION 3.01.

541 City manager.

542 (a) The city council shall appoint an officer whose title shall be "city manager" and the city
 543 manager shall serve at the pleasure of the city council. The city manager shall not be subject
 544 to annual reappointments. The city manager shall be appointed without regard to political
 545 beliefs and solely on the basis of his or her education and experience in the accepted
 546 competencies and practices of local government management.

547 (b) The city manager shall be the chief executive and administrative officer of the city. The
 548 city manager shall be responsible to the city council for the administration of all city affairs
 549 placed in the manager's charge by or under this charter. As the chief executive and
 550 administrative officer, the city manager shall:

551 (1) Appoint all and, when he or she deems it necessary for the good of the city, suspend
 552 or remove any city employees and administrative officers he or she appoints, except as
 553 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The
 554 city manager may authorize any administrative officer who is subject to the city
 555 manager's direction and supervision to exercise these powers with respect to subordinates
 556 in that officer's department, office, or agency;

557 (2) Direct and supervise the administration of all departments, offices, and agencies of
 558 the city, except as otherwise provided by this charter or by law;

- 559 (3) Attend all city council meetings, except for closed meetings held for the purposes of
560 deliberating on the appointment, discipline, or removal of the city manager, and have the
561 right to take part in discussion but not vote;
- 562 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
563 enforcement by the city manager or by officers subject to the city manager's direction and
564 supervision, are faithfully executed;
- 565 (5) Prepare and submit the annual budget to the city council;
- 566 (6) Submit to the city council and make available to the public a complete report on the
567 finances and administrative activities of the city as of the end of each fiscal year;
- 568 (7) Make such other reports as the city council may require concerning the operations
569 of city departments, offices, and agencies subject to the manager's direction and
570 supervision;
- 571 (8) Keep the city council fully advised as to the financial condition and future needs of
572 the city and make such recommendations to the city council concerning the affairs of the
573 city as the manager deems desirable; and
- 574 (9) Perform such other duties as are specified in this charter or as may be required by the
575 city council.
- 576 (c) Except for the purpose of inquiries and investigations under Section 2.08 of this charter,
577 the city council or its members shall deal with city officers and employees who are subject
578 to the direction or supervision of the city manager solely through the city manager, and
579 neither the city council nor its members shall give orders or supervisory direction to any such
580 officer or employee, either publicly or privately.
- 581 (d) The city manager shall not continue in such position upon qualifying as a candidate for
582 nomination or election to any public office.

583 **SECTION 3.02.**

584 City clerk.

585 The city council shall appoint a city clerk. The city clerk shall be responsible to the mayor
586 and city council for the administration of all city affairs placed in the clerk's charge. The city
587 clerk shall keep a journal of the proceedings of the city council, maintain in a safe place all
588 records and documents pertaining to the affairs of the city, and perform such duties as may
589 be required by law or ordinance or as the city council or city manager may direct. The city
590 clerk shall not be subject to annual reappointments. The city clerk shall not continue in such
591 position upon qualifying as a candidate for nomination or election to any public office.

592 **SECTION 3.03.**

593 City attorney.

594 The city council shall appoint a city attorney together with such assistant city attorneys as
 595 may be deemed appropriate who shall serve at the pleasure of the city council. The city
 596 council shall provide for the payment of such attorney or attorneys for services rendered to
 597 the city. The city attorney shall be responsible for representing and defending the city in all
 598 litigation in which the city is a party; may be the prosecuting officer in the municipal court;
 599 shall attend the meetings of the city council as directed; shall advise the city council, mayor,
 600 and other officers and employees of the city concerning legal aspects of the city's affairs; and
 601 shall perform such other duties as may be required by virtue of his or her position as city
 602 attorney.

603 **SECTION 3.04.**

604 Position classification and pay plans; employment at will.

605 The city manager shall be responsible for the preparation of a position classification and pay
 606 plan which shall be submitted to the city council for approval. Said plan shall apply to all
 607 employees of the City of Lawrenceville and any of its departments, agencies, and offices.
 608 When such a plan has been adopted by the city council, neither the city council nor the city
 609 manager shall increase or decrease the salaries of individual employees, except in conformity
 610 with such plan or pursuant to an amendment of said plan duly adopted by the city council.
 611 Except as otherwise provided in this charter, all employees of the city shall be subject to
 612 removal or discharge, with or without cause, at any time.

613 **ARTICLE IV**

614 **MUNICIPAL COURT**

615 **SECTION 4.01.**

616 Creation.

617 There is established a court to be known as the Municipal Court of the City of Lawrenceville,
 618 which shall have jurisdiction and authority to try offenses against the laws and ordinances
 619 of the state, as permitted by law, and said city and to punish for a violation of the same. Such
 620 court shall have the power to enforce its judgments by the imposition of such penalties as
 621 may be provided by law, including ordinances of the city; to impose bench warrant and
 622 failure to appear fees; to hold contempt proceedings and to punish any person found in
 623 contempt; to punish witnesses for nonattendance and to punish also any person who may

624 counsel, advise, aid, encourage, or persuade another whose testimony is desired or material
 625 in any proceeding before said court to go or move beyond the reach of the process of the
 626 court; to try all offenses within the territorial limits of the city constituting traffic cases and
 627 other misdemeanor cases which, under the laws of Georgia, are placed within the jurisdiction
 628 of municipal courts to the extent of, and in accordance with, the provisions of such laws and
 629 all laws subsequently enacted amendatory thereof. Said court shall be presided over by the
 630 judge of said court. In the absence or disqualification of the judge, the associate judge shall
 631 preside and shall exercise the same powers and duties as the judge when so acting.

632 **SECTION 4.02.**

633 Chief judge; associate judge.

- 634 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
 635 or stand-by judges as shall be provided for by ordinance.
- 636 (b) No person shall be qualified or eligible to serve as a judge of the municipal court unless
 637 he or she meets the requirements provided for by general law. The judges shall be appointed
 638 by the mayor and city council in conformance with general law.
- 639 (c) Compensation of the judges shall be fixed by ordinance.
- 640 (d) Before entering on the duties of his or her office, the judge shall take an oath before the
 641 mayor or an officer duly authorized to administer oaths in this state declaring that he or she
 642 will truly, honestly, and faithfully discharge the duties of his or her office to the best of his
 643 or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes
 644 of the city council.
- 645 (e) The judge shall serve for a term of one year and may be removed from the position as
 646 provided by general law.

647 **SECTION 4.03.**

648 Convening.

649 The municipal court shall be convened at such times as designated by ordinance or at such
 650 times as deemed necessary by the judge to keep current the dockets thereof.

651 **SECTION 4.04.**

652 Jurisdiction; powers.

- 653 (a) The municipal court shall try and punish for crimes against the State of Georgia, as
 654 permitted by law, the City of Lawrenceville, and for violation of said city ordinances. The

655 municipal court may fix punishment for offenses within its jurisdiction to the fullest extent
656 allowed by state law.

657 (b) The municipal court shall have authority to recommend to the city council for approval
658 a schedule of fees to defray the costs of operation.

659 (c) The municipal court shall have authority to establish bail and recognizances to ensure
660 the presence of those charged with violations before said court and shall have discretionary
661 authority to accept cash or personal or real property as security for appearances of persons
662 charged with violations. Whenever any person shall give bail for his or her appearance and
663 shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding
664 at such time and an execution issued thereon by serving the defendant and his or her sureties
665 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or
666 property is accepted in lieu of bond for security for the appearance of a defendant at trial, and
667 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited
668 shall be on order of the judge declared forfeited to the City of Lawrenceville, or the property
669 so deposited shall have a lien against it for the value forfeited.

670 (d) The municipal court shall have the authority to bind prisoners over to the appropriate
671 court when it appears, by probable cause, that a state law has been violated.

672 (e) The municipal court shall have the authority to administer oaths and to perform all other
673 acts necessary or proper to the conduct of said court.

674 (f) The municipal court may compel the presence of all parties necessary to a proper disposal
675 of each case by the issuance of summons, subpoenas, and warrants which may be served as
676 executed by any officer as authorized by this charter or by state law.

677 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial
678 powers throughout the entire area of the City of Lawrenceville granted by state laws
679 generally to municipal courts, and particularly by such laws as authorize the abatement of
680 nuisances.

681 (h) The municipal court shall have authority to punish those in its presence for contempt,
682 provided that such punishment shall not exceed \$500.00 or 20 days in jail.

683 (i) The municipal court shall have authority to impose bench warrant and failure to appear
684 fees.

685 **SECTION 4.05.**

686 Certiorari.

687 The right of certiorari from the decision and judgment of the municipal court shall exist in
688 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under

689 the sanction of a judge of the Superior Court of Gwinnett County under the laws of the State
690 of Georgia regulating the granting and issuance of writs of certiorari.

691 **SECTION 4.06.**

692 Rules for court.

693 With the approval of the city council, the judge shall have full power and authority to make
694 reasonable rules and regulations necessary and proper to secure the efficient and successful
695 administration of the municipal court.

696 **ARTICLE V**

697 **FINANCE**

698 **SECTION 5.01.**

699 Preparation of budgets.

700 The city council shall provide by ordinance the procedures and requirements for the
701 preparation and execution of an annual budget, including requirements as to the scope,
702 content, and form of such budgets and programs.

703 **SECTION 5.02.**

704 Sale and lease of city property.

705 The city council may acquire, hold, sell, exchange, rent, lease, or otherwise acquire or
706 dispose of any real, personal, or mixed property, in fee simple or lesser interest, whether held
707 by the city in its proprietary, governmental, or other capacity, inside or outside of the
708 corporate boundaries of the city and wherever located.

709 **SECTION 5.03.**

710 Property tax.

711 The city council may assess, levy, and collect an ad valorem tax on all real and personal
712 property within the corporate limits of the city that is subject to such taxation by the state and
713 Gwinnett County. Said ad valorem tax is for the purpose of raising revenues to defray the
714 costs of operating the city government, of providing governmental services, for the
715 repayment of principal and interest on general obligations, and for any other public purpose
716 as determined by the city council in its discretion.

717 **SECTION 5.04.**

718 Millage rate; due date; payment method.

719 The city council by ordinance shall establish a millage rate for the city property tax, a due
720 date, and the time period within which such tax must be paid. The city council by ordinance
721 may provide for the payment of such tax by installments or in one lump sum, as well as
722 authorize the voluntary payment of taxes prior to the time the tax is due.

723 **SECTION 5.05.**

724 Occupation and business taxes.

725 The city council by ordinance shall have the power to levy such occupation or business taxes
726 as are not denied by law. The city council may classify businesses, occupations, professions,
727 or callings for the purpose of such taxation in any way which may be lawful and may compel
728 the payment of such taxes as provided in Section 5.11 of this charter.

729 **SECTION 5.06.**

730 Regulatory fees; permits.

731 The city council by ordinance shall have the power to require businesses or practitioners
732 doing business within the city to obtain a permit for such activity from the city and pay a
733 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
734 the total cost to the city of regulating the activity and, if unpaid, shall be collected as
735 provided in Section 5.11 of this charter.

736 **SECTION 5.07.**

737 Franchises.

738 The city council, except as otherwise provided by general law, shall have the power to grant
739 franchises for the use of the city's streets and alleys for the purposes of railroads, street
740 railways, telephone companies, electric companies, electric membership corporations, cable
741 television and other telecommunications companies, gas companies, transportation
742 companies, and other similar organizations. The city council shall determine the duration,
743 terms, whether the same shall be exclusive or nonexclusive, and the consideration for such
744 franchises; provided, however, that no franchise shall be granted for a period in excess of 35
745 years and no franchise shall be granted unless the city receives just and adequate
746 compensation therefor. The city council shall provide for the registration of all franchises

747 with the city clerk in a registration book kept by the clerk. The city council may provide by
748 ordinance for the registration within a reasonable time of all franchises previously granted.

749 **SECTION 5.08.**

750 Service charges.

751 The city council by ordinance shall have the power to assess and collect fees, charges,
752 assessments, and tolls for sewers, sanitary and health services, or any other services provided
753 or made available inside and outside the corporate limits of the city for the total cost to the
754 city of providing or making available such services. If unpaid, such charges shall be
755 collected as provided in Section 5.11 of this charter.

756 **SECTION 5.09.**

757 Special assessments.

758 The city council by ordinance shall have the power to assess and collect the cost of
759 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
760 curbing, gutter, sewer, or other utility main and appurtenance from the abutting property
761 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
762 collected as provided in Section 5.11 of this charter.

763 **SECTION 5.10.**

764 Construction; other taxes and fees.

765 The city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
766 and the specific mention of any right, power, or authority in this charter shall not be
767 construed as limiting in any way the general powers of the city to govern its local affairs.

768 **SECTION 5.11.**

769 Collection of delinquent taxes and fees.

770 The city council by ordinance may provide generally for the collection of delinquent taxes,
771 fees, or other revenue due the city under Sections 5.03 through 5.10 by whatever reasonable
772 means as are not precluded by law. Such means shall include providing for the dates when
773 the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation
774 and priority of liens; making delinquent taxes and fees personal debts of the persons required
775 to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or

776 fees; and providing for the assignment or transfer of tax executions or any other means
 777 permitted by law. Bills for ad valorem taxes on real property shall not include nontax related
 778 fees or assessments but may include fees, assessments, charges, or costs related to delinquent
 779 ad valorem property tax collections.

780 **SECTION 5.12.**

781 Bonds.

782 The city council shall have the power to issue bonds for the purpose of raising revenue to
 783 carry out any project, program, or venture authorized under this charter or the laws of the
 784 state. Such bonding authority shall be exercised in accordance with the laws governing bond
 785 issuance by municipalities in effect at the time said issue is undertaken.

786 **SECTION 5.13.**

787 Short-term loans.

788 The city may obtain short-term loans and must repay such loans not later than December 31
 789 of each year, unless otherwise provided by law.

790 **SECTION 5.14.**

791 Contracting procedures.

792 No contract with the city shall be binding on the city unless:

793 (1) It is in writing; and

794 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
 795 course, is signed by the city attorney to indicate such drafting or review.

796 **ARTICLE VI**

797 **GENERAL PROVISIONS**

798 **SECTION 6.01.**

799 Bonds for officials.

800 The officers and employees of this city, both elected and appointed, shall execute such surety
 801 or fidelity bonds in such amounts and upon such terms and conditions as the city council
 802 shall from time to time require by ordinance or as may be provided by law.

803 **SECTION 6.02.**

804 Prior ordinances.

805 All ordinances, resolutions, rules, and regulations now in force in the city and not
806 inconsistent with this charter are hereby declared valid and of full effect and force until
807 amended or repealed by the city council.

808 **SECTION 6.03.**

809 Existing personnel and officers.

810 Except as specifically provided otherwise by this charter, all personnel and officers of the
811 city and their rights, privileges, and powers shall continue beyond the time this charter takes
812 effect for a period of 180 days before or during which the existing city council shall pass a
813 transition ordinance detailing the changes in personnel and appointed officers required or
814 desired and arranging such titles, rights, privileges, and powers as may be required or desired
815 to allow a reasonable transition.

816 **SECTION 6.04.**

817 Pending matters.

818 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
819 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
820 or cases shall be completed by such city agencies, personnel, or offices as may be provided
821 by the city council.

822 **SECTION 6.05.**

823 Construction.

824 (a) Section captions in this charter are informative only and are not to be considered as a part
825 thereof.

826 (b) The word "shall" is mandatory and the word "may" is permissive.

827 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
828 versa.

