
CHARTER

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1.

An Act creating a new charter for the City of Auburn, originally approved March 17, 1949 (Ga. L. 1949, p. 807), as amended, is amended by striking Sections 1.10 through 7.15 in their entirety and inserting in lieu thereof the following:

ARTICLE I. INCORPORATION AND POWERS

Section 1.10. Name.

This city and the inhabitants thereof, are hereby reincorporated by the enactment of this Charter and are hereby constituted and declared a body politic and corporate under the name and style of the City of Auburn Georgia, and by that name shall have perpetual succession.

Section 1.11. Corporate boundaries.

- a. The boundaries of this city 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 of the corporate limits of the City of Auburn, 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 with the original map.
- b. The 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 1.12. 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. This city shall have all the powers of self-government not otherwise prohibited or limited 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 this city.

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- c. A proposed change to powers regarding police protection in this subsection must be placed on a referendum and approved by a two-thirds majority of those voting:

Provisions of police protection. This city shall have the power of arrest through duly appointed officers. The city must establish and maintain a police department with minimum force of two full-time officers per shift, twenty-four hours a day and a chief of police to coordinate and direct the operation of this department.

Section 1.13. Examples of powers.

- a. Air and Water Pollution. To regulate the emission of smoke or other exhaust which pollutes the air, and to prevent the pollution of natural streams which flow within the corporate limits of the city.
- b. 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 punishment for violation of ordinances enacted under this paragraph.
- c. 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.
- d. Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades.
- e. Business Regulation and Taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any city taxes or fees.
- f. Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.
- g. Contracts. To enter into contracts and agreements with other governments and entities and with private persons, firms and corporations.
- h. Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city limits, and to make and carry

out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the city.

- i. Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge or restrict the same; to prescribe fire safety regulations consistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof.
- j. Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business within the city benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges.
- k. General Health, Safety and Welfare. To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards.
- l. Gifts. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose.
- m. Health and Sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards.
- n. Jail Sentences. To provide that persons given jail sentences in the city court may work out such sentences in any public works or on the streets, roads, drains and squares in the city, to provide for the commitment of such persons to any jail, or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials.
- o. Motor Vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys and walkways of the city.
- p. Municipal Agencies and Delegation of Power. To create, alter or abolish departments, boards, offices, commissions and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same.
- q. Municipal Debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia.
- r. Municipal Property Ownership. To acquire, dispose of, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city.

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- s. Municipal Property Protection. To provide for the preservation and protection of property and equipment of the city, and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof.
 - t. Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same.
 - u. Nuisance. To define a nuisance and provide for its abatement whether on public or private property.
 - v. Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia.
 - w. Planning and Zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the Council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.
 - x. Police and Fire Protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire fighting agency, except as limited by Section 1.12(c) of this Charter.
 - y. Public Hazards: Removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public.
 - z. Public Improvements. To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal and medical institutions, agencies and facilities; to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.
 - aa. Public Peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances.
 - ab. Public Transportation. To organize and operate such public transportation systems as are deemed beneficial.
 - ac. Public Utilities and Services. To grant franchises or make contracts for public utilities and public services; and to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission.
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- ad. Regulation of Roadside Areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances.
 - ae. Retirement. To provide and maintain a retirement plan for officers and employees of the city.
 - af. Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter adorn with shade trees or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to negotiate and execute leases over, through, under or across any city property or the right-of-way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location, and to charge a rental therefore in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so.
 - ag. Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system, and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system.
 - ah. Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish and refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin aluminum, cardboard, paper, and other recyclable materials, and to provide for the sale of such items.
 - ai. Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and flammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors.
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- aj. Special Assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements.
 - ak. Taxes - Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation.
 - al. Taxes - Other. To levy and collect such other taxes as may be allowed now or in the future by law.
 - am. Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles.
 - an. Urban Redevelopment. To organize and operate an urban redevelopment program.
 - ao. Other Powers. To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia, except as limited by Section 1.12(c) of this Charter.

Section 1.14 Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this Charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II. GOVERNMENT STRUCTURE

Section 2.10. Council creation; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this Charter, shall be vested in a council to be composed of a mayor and four councilmembers. The council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and council members shall be elected in the manner provided by this Charter.

Section 2.11. Council terms and qualifications for office.

The mayor and councilmembers shall serve for terms as provided for in this Charter and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he has been a resident of the city for one (1) year preceding the date of election of the mayor or councilmembers and must be a qualified voter in municipal elections for officers of this city; and the mayor or councilmember shall continue to reside therein during his period of service and to be registered and qualified to vote in municipal elections of this city.

Section 2.12. Vacancy; filling of vacancies.

- a. The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia.
- b. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in this Charter.

Section 2.13. Compensation and expenses.

Mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

Section 2.14. Holding other office; voting when personally interested.

- a. Except as authorized by law, the mayor or any councilmember shall not hold any other city office or other city employment during the term for which he was elected.
- b. Neither the mayor nor any councilmember shall vote upon, sign or veto any ordinance, resolution, contract or other matter in which he shall receive a personal gain.

Section 2.15. Investigations.

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

Section 2.16. General power and authority of the council.

Except as otherwise provided by the charter, the council shall be vested with all the powers of government of this city as provided in Article I of this Charter.

Section 2.17. Eminent domain.

The council is hereby empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, water lines, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detention, penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the city limits, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

Section 2.18 Meetings.

The council shall hold an organizational meeting on the first Thursday in January. The meeting shall be called to order and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (Mayor) (Council member) of this city and that I will support and defend the charter thereof as well as the constitution and laws of the State of Georgia and of the United States of America."

Section 2.19. Regular and special meetings.

- a. The mayor and city council shall hold regular meetings on the second Thursday and the fourth Thursday of each month at city hall at the time designated by the mayor and city council. With proper notice as required by law, the mayor and council may, from time to time, change the designated meeting times for regular meetings. The mayor and council may recess any regular meeting and continue such meetings on any date or hour it may fix and transact any business as such continued meeting may be transacted at any regular meeting. All such meetings shall be called and conducted in compliance with the Georgia Open Meetings Act.
- b. The council may hold special meetings and may transact business therein in accordance with the law.
- c. All meetings of the council shall be public in accordance with applicable law.
- d. Special meetings may be called at the request of the mayor or by two councilmembers.

Section 2.20. Rules of procedure.

- a. The council shall adopt its rules of procedure and order of business consistent with the provisions of this Charter and shall provide for keeping minutes of its proceedings, which shall be a public record.
- b. All committees and officers of the city shall be appointed by the mayor, with the advice and consent of the councilmembers, and shall serve at the pleasure of the council.

Section 2.21. Quorum; voting.

The mayor or mayor pro tempore and two councilmembers shall constitute a quorum and shall be authorized to transact business of the council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the minutes, but any member of the council shall have the right to request a roll call vote and such vote shall be recorded in the minutes. Except as otherwise provided in this Charter, the affirmative vote of the majority of members present shall be required for the adoption of any ordinance, resolution, or motion.

Section 2.22. Action requiring ordinances.

Acts of the council which have the force and effect of law shall be enacted by ordinance.

Section 2.23. Ordinance form; procedures.

- a. Every proposed ordinance should be introduced in writing and in the form required for final adoption. The enacting clause shall be "The Council of the City of Auburn hereby ordains ..." and every ordinance shall so begin.
- b. An ordinance may be introduced by mayor or any council member and be read at a regular or special meeting of the council. Ordinances shall be considered and adopted or rejected by the council in accordance with the rules which it shall establish.

Section 2.24. Codes of technical regulations.

The council may adopt any standard code of technical regulations by reference thereto in all adopting ordinances. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally.

Section 2.25. Signing; authenticating; recording; codification; printing.

- a. The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose, all ordinances adopted by the council.

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- b. The council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as "The Auburn Municipal Code." Copies of the code shall be furnished to all officers, departments and agencies of the city, and made available for purchase by the public at a reasonable price as fixed by the council.
 - c. The council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the council. Following publication of the first code under this Charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The council shall make such further arrangements as deemed desirable with the reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Section 2.26. Council interference with administration.

Except for the purpose of investigations under Section 2.15, the council or any of its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager, chief of police, director of public utilities, city planner, or other department head solely through the appropriate department head, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.27. Election of mayor; forfeiture; compensation.

The mayor shall be elected for and shall serve for a term as provided by the charter and state law and until his successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for one year immediately preceding his election. The mayor shall continue to reside in this city during the period of his service. The mayor shall forfeit his office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

Section 2.28. Mayor pro tempore.

By a majority vote, at the first regular meeting of the council in each year, council shall elect a councilmember to serve as the mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's disability or absence. If the mayor pro

tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by the members present, shall be clothed with all the rights and privileges of the mayor and shall perform the mayor's duties.

Section 2.29. Powers and duties of mayor.

The mayor shall:

- a. Preside at all meetings of the council;
- b. Be the head of the city for the purpose of service of process and for ceremonial purposes, and be the official spokesman for the city and the chief advocate of policy;
- c. Have power to administer oaths and to take affidavits;
- d. Sign as a matter of course on behalf of the city all written and approved contracts, ordinances and other instruments executed by the city which by law are required to be in writing;
- e. Vote only in case of a tie or in case only one vote is needed to pass any motion, resolution, ordinance, or other question before the council;
- f. Within ten calendar days of receipt of an ordinance, shall return it to the city clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12:00 noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the council through the city clerk a written statement of reason(s) for the veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor. Upon receipt of the mayor's veto statement, council may override the mayor's veto by a vote of not less than three (3) council members; and
- g. Perform such other duties as may be required by law, this Charter, or ordinance.

Section 2.30. Conduct of members of appointed boards.

Appointed board members shall adhere to the following code of conduct, and may be removed for any of the following:

1. Failure to attend meetings; tardiness.
2. Conviction of a felony or crime involving moral turpitude.
3. Inexcusable absence without leave.
4. Abuse or misuse of City property.
5. Willfully giving false information to City officials, City staff, or the public.

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6. Discovery of a false statement in an application which had not been previously detected.
 7. Acceptance of gratuities in conflict with City policy or State law.
 8. Discourteous acts toward the public, citizens, staff, or other persons.
 9. Drinking alcoholic beverages or use of illegal non-prescription drugs in such manner as to adversely affect attendance or performance.
 10. Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage, or for other improper reasons.
 11. Harassment of other Board members, City personnel or the public.
 12. Insubordination or uncooperative attitude in the performance of official functions, which is defined as the refusal to obey any instruction or directive of an authorized official or demonstrating contempt or disrespect for a fellow board member, City official, citizen, or staff member whether in or out of his or her presence.
 13. Conduct which endangers the member or another person.
 14. Fighting or attempting bodily injury to others on City property except in clear cases of self-defense.
 15. Violation of the standards summarized in the recitals above.

ARTICLE III. ADMINISTRATIVE AFFAIRS

Section 3.10. Administrative and service departments.

- a. Except as otherwise provided in this Charter, the council, by ordinance, shall prescribe the functions or duties, and establish, abolish or alter all non-elective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of this city.
- b. Except as otherwise provided by this Charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- c. All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.
- d. There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the City Manager, be responsible for the administration and direction of the affairs and operations of his department or agency.

Section 3.11. Boards, commissions and authorities.

- a. The council shall create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the council

deems necessary, and shall by ordinance establish the composition, period of existence, duties and powers thereof.

- b. All members of boards, commissions and authorities of the city shall be appointed by the council for terms of two (2) years, except where other appointing authority, terms of office, or manner of appointment is prescribed by State law.
- c. The council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission or authority.
- d. Except as otherwise provided by charter, ordinance or by law, no member of any city board, commission or authority shall hold any elective office in the city.
- e. Any vacancy on a board, commission or authority of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this Charter or by law.
- f. No member of a board, commission or authority shall assume office until he has executed and filed with the clerk of the city an oath obligating himself to faithfully and impartially perform the duties of his office, such oath to be prescribed by ordinance and administered by the mayor or designee.
- g. Any member of a board, commission or authority may be removed from office by a vote of the council.
- h. Except as otherwise provided by this Charter or by law, each board, commission or authority of the city shall elect one of its members as chairman and one member as vice-chairman, and may elect as its secretary one of its own members or may appoint as secretary an employee of the city, subject to approval by appropriate department head. Each board, commission or authority of the city government may establish bylaws, rules and regulations, consistent with this Charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

Section 3.12. City attorney.

The mayor, with advice and consent of the council, shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the council and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required of him by virtue of his position as city attorney.

Section 3.13. City Manager; appointment; qualifications; compensation.

The council shall appoint a City Manager for an indefinite term and shall fix the Manager's compensation. The City Manager shall be appointed solely on the basis of his executive and administrative qualifications with special reference to the knowledge of and actual experience in municipal management.

Section 3.14. Removal of City Manager.

The City Manager is employed at-will; shall serve at the pleasure of the city council; and may be removed from office by a majority vote of city council.

Section 3.15. Powers and duties of the City Manager.

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

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

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

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

(3) Attend all city council meetings, except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager, and have the right to take part in discussion but not vote;

(4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

(5) Prepare and submit the annual budget to the city council;

(6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) Make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to the manager's direction and supervision;

(8) Keep the city council fully advised as to the financial condition and future needs of the city and make such recommendations to the city council concerning the affairs of the city as the manager deems desirable;

(9) Perform such other duties as are specified in this charter or as may be required by the city council;

(10) Temporarily serve as a department head in the event of any vacancy;

(11) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget pursuant to the purchasing ordinance, City Code Section 3.04;

(12) Execute all contracts, deeds or bonds of the city, duly authorized by the council, and permitted by the City Charter, ordinance or by state law and supervise the completion of all contracts for work for the city and advise the council on the progress of such work

(c) Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction or supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders or supervisory direction to any such officer or employee, either publicly or privately.

(d) The city manager's duties and responsibilities may be further defined or provided by a job description or as assigned or designated by the city council.

(e) The city manager shall not continue in office upon qualifying as a candidate for nomination or election to any public office.

Section 3.16. City Manager, oath of office.

Before entering upon the duties of his office, the City Manager shall take an oath or affirmation for the faithful performance of duties of such office.

Section 3.17. City clerk.

The city clerk shall be appointed by the City Manager. The city clerk shall be custodian of the official city seal and city records; maintain council records as required by this charter; and perform such other duties as may be assigned by the City Manager. The city clerk shall not be subject to annual reappointments. The city clerk shall not be a department head; shall report to the City Manager; and may be terminated at will.

Section 3.18. Police chief.

The chief of police shall be appointed by the City Manager. The police chief shall have such powers and duties as the council shall prescribe by ordinance including, but not limited to, the authority to administer oaths of office for sworn law enforcement officers. The police chief shall not be subject to annual reappointments. The police chief shall report to the City Manager, and may be terminated at will.

Section 3.19. Director of public works.

The director of public works shall be appointed by the City Manager. The director of public works shall have such powers and duties as the council shall prescribe by ordinance. The director of public works shall not be subject to annual reappointments. The director of public works shall report to the City Manager, and may be terminated at will.

Section 3.20. Community Development Director.

The Community Development Director shall be appointed by the City Manager. The Community Development Director shall have such powers and duties as the Council shall prescribe. The Community Development Director shall not be subject to annual reappointments. The Community Development Director shall report to the City Manager, and may be terminated at will.

Section 3.21. Parks And Leisure Director.

The Parks and Leisure Coordinator shall be appointed by the City Manager. The Parks and Leisure Coordinator shall oversee and carry out the City's Parks and Leisure programs; serve as the primary City staff liaison to the City's Parks and Leisure Commission; and perform such other duties as may be assigned by the City Manager. The Parks and Leisure Coordinator shall not be subject to annual reappointments. The Parks and Leisure Coordinator shall not be a department head; shall report to the City Manager; and may be terminated at will.

Section 3.22. Executive Assistant to Mayor and City Council.

The City Manager shall appoint an Executive Assistant to Mayor and City Council. The Executive Assistant to Mayor and City Council shall have such powers and duties as the Council shall prescribe. The Executive Assistant to Mayor and City Council shall not be subject to annual reappointments. The Executive Assistant to Mayor and City Council shall serve at the pleasure of the Council and may be terminated at will.

ARTICLE IV. MUNICIPAL COURT**Section 4.10. Creation; name.**

There shall be a court to be known as the Municipal Court of the City of Auburn.

Section 4.11. Municipal judge; associate judge.

- a. The municipal court shall be presided over by a municipal judge or such part-time, full-time, or stand-by judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance.
- b. No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of twenty-one years, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by council.
- c. Compensation of the judges shall be fixed by ordinance.
- d. Before assuming office, each judge shall take an oath, given by the mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality.

Section 4.12. Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

Section 4.13. Jurisdiction; powers.

- a. The municipal court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.
- b. The municipal court shall have authority to punish those in its presence for contempt, by fine, as allowed by law, or fifteen days of imprisonment and labor on the public works of the city, or by both fine and imprisonment.

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- c. The municipal court may fix punishment for offenses within its jurisdiction as allowed by law or imprisonment and labor on the public works of the city for one year, or both fine and imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as allowed by law.
 - d. The municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.
 - d. The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his sureties with a rule nisi, at least two days before a hearing on the rule. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.
 - e. The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer such oaths as are necessary.
 - f. The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this Charter or by law.
 - g. Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.
 - i. The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Section 4.14. Appeal to Superior Court

The right of appeal from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violations cases, and such appeal shall be made to the Superior Court of Barrow County or Gwinnett County under the laws of the State of Georgia regulating appeals from municipal courts.

Section 4.15. Rules for court.

With the approval of the council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings.

ARTICLE V. ELECTIONS AND REMOVAL

Section 5.10. Applicability of general law.

All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code (Title 21, Chapter 3 of the Official Code of Georgia Annotated), the "Georgia Municipal Election Code," as now or hereafter amended.

Section 5.11. Election of the Mayor and Councilmembers.

- a. There shall be a municipal general election biennially in the odd years as provided by this Charter and state law on the Tuesday next following the first Monday in November.
- b. It is the intent of this section of the charter of the City of Auburn that the elected officials of the City of Auburn serve staggered terms with the mayor and two councilmembers to be elected in 2027 and every four years thereafter and with two councilmembers to be elected in 2029 and every four years thereafter and .
- c. The Mayor and each Council Member shall be elected by the electors voting in the entire City at large. The Mayor may reside in any district of the City as set forth in subsection (d) below. Each Council Member must reside in the district as set forth in subsection (d) below that they qualify for both at the time of qualification for that district post and throughout their elected service in that position. Each elector shall be entitled to vote for one candidate for each municipal office which is to be filled at any election. At the general municipal election conducted in 2027 and every four years thereafter, the candidates who receive the highest number of votes cast for the office of Mayor and Council Member posts 1 and 3 shall be the persons elected to

those offices. At the general municipal election conducted in 2029 and every four years thereafter, the candidates who receive the highest the candidates who receive the highest number of votes cast for council member posts 2 and 4 shall be the persons elected to those offices.

- d. There are established four council member districts of approximately equal populations as shown on Exhibit “A” attached hereto and incorporated herein by reference. The districts may be modified from time to time by ordinance as required by this Charter, state and federal law. In amending district lines to achieve similar populations in each district, the Council may take into account neighborhoods, roads and other landmarks or land divisions that provide appropriate lines between districts. The four districts shall each be represented by one council member who shall run for and be elected to that district post. The four district posts shall be known as Post 1, Post 2, Post 3 and Post 4. Any candidate for a council member position shall qualify only for the post of the district in which they reside and shall designate the post which the candidate is seeking when qualifying. The designation shall be entered upon the ballot in such manner so that in the ensuing election such candidate shall only oppose the other candidate or candidates, if any, designating the same specific district post.

Section 5.12. Non-partisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

Section 5.13. Election by plurality.

The person receiving a plurality of the votes cast for any city office shall be elected.

Section 5.14. Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this Charter, the remaining council shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within ninety days of the expiration of the term of that office, a successor shall be elected at the next regularly scheduled election. In all other respects, the special election shall be held and conducted in accordance with the Georgia Municipal Election Code, Chapter 3 of Title 21 of the Official Code of Georgia Annotated, the Georgia Municipal Election Code, as now or hereafter amended.

Section 5.15. Removal of officers.

- a. The mayor or councilmembers may be removed from office for any one or more of the following causes:
 - (1) Incompetence, misfeasance or malfeasance in office;
 - (2) Conviction of a crime involving moral turpitude;

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- (3) Failure at any time to possess any qualifications of office as provided by this Charter or by law;
 - (4) Knowingly violating any express prohibition of this Charter or City ordinance;
 - (5) Abandonment of office or neglect to perform the duties thereof;
 - (6) Failure for any other cause to perform the duties of office as required by this Charter or by state law.
 - b. Removal of any officer pursuant to subsection (a) of this section shall be heard in an investigative hearing conducted by the municipal court judge. The city solicitor shall present the city's case in the matter. The mayor or councilmember shall be entitled to be represented and to present evidence and arguments to the municipal court judge in his own defense.
 - c. The hearing shall be conducted according to the following general rules of procedure:
 - (1) The city shall have the burden of proving its case by clear and convincing evidence of the grounds for removal cited in Section 5.15(a).
 - (2) The city solicitor shall issue a notice of the investigative hearing, which shall contain in writing the nature of the charges and the specific sections or subsections of Section 5.15(a), which the mayor or councilmember is alleged to have violated.
 - d. The general rules of evidence of the courts of the State of Georgia shall apply to the hearing. The order of proof shall be that the city solicitor presents the city's case. All witnesses shall be given an oath at the time they begin their testimony and all evidence shall be taken down by a court reporter. All of the witnesses presented by the city shall be subject to cross-examination by the mayor or councilmember or his counsel. At the conclusion of the city's evidence, the mayor or councilmember shall be allowed to present evidence and witnesses in support of his position.
 - e. At the conclusion of the mayor or councilmember's evidence, the city shall have the right to present rebuttal evidence. The mayor or councilmember shall be given the opportunity to present rebuttal evidence.
 - f. At the close of the evidence, both sides shall have the opportunity to make oral arguments to the municipal court judge regarding their positions on the evidence presented. At that time, they shall also make any legal arguments necessary to preserve any issues and present them to the municipal court judge for determination. Upon the conclusion of the hearing, the municipal court judge shall recess the hearing to consider and review all of the evidence presented. The municipal court judge shall make a recommendation to the council regarding any removal or disciplinary action for the mayor or councilmember under Section 5.15.
 - g. At their next regularly scheduled meeting, the council shall consider the recommendation of the municipal court judge and shall either accept the recommendations or make any amendment, revisions or modification to the municipal court judge's recommendation. Any action to remove an officer, mayor, or
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councilmember from his office shall require majority vote of the remaining council. The officer whose removal or discipline is being considered shall not vote on his own removal or discipline.

- h. Any elected officer sought to be removed from office under this subsection shall have the right to appeal from the decision of the council to the superior court of Barrow County. Such appeal shall be governed by the same rules as govern appeals to the Superior Court from lower courts.

Section 5.16 Terms of office.

Commencing with the election after the start of the term of Council beginning January 1, 2026, and thereafter, no Council member elected or qualified for three consecutive terms shall be eligible for the next succeeding term based upon previous elective service.

Commencing with the election after the start of the term of Council beginning January 1, 2026 and thereafter, no Mayor elected or qualified for three consecutive terms shall be eligible for the next succeeding term based upon previous elective service. The limitation of two consecutive terms shall not overlap or run concurrent between being a Council member position and a Mayor as the term limit period is to the particular elected position and are not to be combined.

ARTICLE VI. FINANCE

Section 6.10. Property tax.

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

Section 6.11. Millage rate; due dates; payment methods.

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

Section 6.12. Occupation and business taxes.

The council, by ordinance, shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so

taxed. The council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this Charter.

Section 6.13. Licenses; permits; fees.

The council by ordinance shall have the power to require any individual or corporation who transacts business in the city or who practices or offers to practice any profession or calling within the city to obtain a license or permit for such activity from the city and to pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this Charter. The council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate.

Section 6.14. Franchises.

The council shall have the power to grant franchises for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television, gas companies, transportation companies and other similar organizations. The council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted unless the city receives just and adequate compensation therefore. The council shall provide for the registration of all franchises with the city clerk. The council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Section 6.15. Service charges.

The council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside and outside the city limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this Charter.

Section 6.16. Special assessments.

The council, by ordinance, shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this Charter.

Section 6.17. Construction; other taxes.

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

Section 6.18. Collection of delinquent taxes and fees.

The council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of FIFAs; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city licenses for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Section 6.19. General obligation bonds.

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

Section 6.20. Revenue bonds.

Revenue bonds may be issued by the council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.

Section 6.21. Short-term loans.

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

Section 6.22. Fiscal year.

The council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency and activity of the city government.

Section 6.23. Preparation of budgets.

The council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program and a capital budget, including requirements as to the scope, content and form of such budgets and programs.

Section 6.24. Submission of budget to council.

On or before a date fixed by the council but not later than sixty days prior to the beginning of each fiscal year, the City Manager shall submit to the council a proposed budget for the ensuing fiscal year. The budget shall be accompanied by a message from the City Manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he may deem pertinent. The operating budget and the capital improvements budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

Section 6.25. Action by council on budget.

- a. The council may amend the budget proposed by the City Manager; except, that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.
- b. The council by ordinance shall adopt the final budget for the ensuing fiscal year not later than the fifteenth day off the first month of the fiscal year. If the council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23.
- c. The amount set out in the adopted budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise encumbered balance of the appropriations or allotment thereof, to which it is chargeable.

Section 6.26. Tax levies.

Following adoption of the budget, the council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriate for each of the several funds set forth in the annual budget for defraying the expenses of the general government of this city.

Section 6.27. Changes in appropriations.

The council by ordinance may make changes in the appropriations contained in the current budget, at any regular meeting, special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

Section 6.28. Independent audit.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available to the public in accordance with public open records law.

Section 6.29. Contracting procedures.

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

- a. It is in writing;
- b. It is made or authorized by the council and such approval is entered in the council minutes.

Section 6.30. Centralized purchasing.

The council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

Section 6.31. Sale of city property.

- a. The council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
- b. The council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- c. Whenever in opening, extending or widening any street, avenue, alley or public place of the city, a small parcel or tract of land is cut-off or separated by such work from a larger tract or boundary of land owned by the city, the council may authorize the mayor to sell or convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in

such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII. GENERAL PROVISIONS

Section 7.10. Prior ordinances.

All ordinances, resolutions, rules and regulations now in force in the city consistent with this Charter are hereby declared valid and of full effect and force until amended or repealed by the council.

Section 7.11. Pending matters.

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

Section 7.12. Construction.

- a. Section captions in this Charter are informative only and are not to be considered as a part thereof.
- b. The word "shall" is mandatory and the word "may" is permissive.
- c. The singular shall include the plural, the masculine shall include the feminine, and vice versa.

Section 7.13. Severability.

If any article, section, subsection, paragraph, sentence, clause or phrase of this Charter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Charter, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The council declares that it would have passed the remaining parts of this Charter if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 7.14. Effective date.

This Charter shall become effective upon its approval by the council as provided by law.

Section 7.15. Repealer.

All laws and parts of laws in conflict with this Charter are repealed.