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ARTICLE I: IN GENERAL

3-101 Exercise of Governmental Authority

The corporation governmental powers of the City shall be exercised by the Mayor and Council in the manner provided by charter and by the provisions of this chapter.

3-102 Code of Ethics

1. Prohibited Conduct. Public officials and employees of the City shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such official and employee shall include, but not be limited to, the following:
 - a. granting or making available to any person any special consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public at large;
 - b. requesting, using, or permitting the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of himself or any other person, except as otherwise allowed by law;
 - c. participating in the deliberation of or voting on any matter involving his financial or personal interest;
 - d. engaging in private employment with, or rendering services for, any private person who has business transactions with the City, unless he has made full public disclosure of the nature and extent of such employment or services;

- e. appearing on behalf of any private person, other than himself, before any public body in the City;
 - f. accepting any gift, whether in the form of money, thing, favor, loan, or promise, that would not be offered or given to him if he were not an official or employee;
 - g. disclosing any confidential information concerning any official or employee, or any other person, or any property or governmental affairs of the City, without prior formal authorization of the governing body;
 - h. using or permitting the use of confidential information to advance the financial or personal interest of himself or any other person; or
 - i. appointing or voting for the appointment of any person related to him by blood or marriage to fill an office, position, employment, or duty, when the salary, wages, pay, or compensation is to be paid out of public funds.
2. Hearings and Determinations. Upon the sworn complaint of any person alleging facts which if true would constitute a violation of this section, the council shall conduct a public hearing at which the accused shall be given an opportunity to be heard, either personally or through counsel. At the conclusion of said hearing, the Council shall, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the official or employee in question.

3-103 Administrative Policy and Procedures

- 1. Officers. Each officer shall perform all duties required of his office by state law, the charter, and this Code, and such other duties not in conflict therewith as may be required by the Mayor.
- 2. Department Heads. All department heads shall:
 - a. be responsible to the Mayor for the effective administration of their respective department and all activities assigned thereto;
 - b. keep informed as to the latest practices in their particular field and inaugurate, with the approval of the Mayor, such new practices as appear to be of benefit to the service and to the public;
 - c. submit quarterly and annual reports of the activities of their respective department to the Mayor;

- d. establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the Mayor;
 - e. have power, when authorized by the Mayor, to appoint and remove, subject to personnel regulations, all subordinates under him; and
 - f. be responsible for the proper maintenance of all City property and equipment used in their respective departments.
3. Departments. Each department shall cooperate with every other department and shall furnish, upon the direction of the Mayor, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.
 4. Records. All municipal records, except those which by order of a state court of by law are prohibited from being open to public inspection, shall be open for personal inspection by any citizen of Georgia during the hours of operation of the administrative service herein below prescribed.
 5. Operation of Administrative Service. All units in the administrative service shall:
 - a. Office hours. Be open between the hours of 8:00 A.M. and 5:00 P.M. on weekdays and shall be closed on Saturday, Sunday and legal holidays.
 - b. Make daily deposit. Make a daily deposit with the Clerk of any monies received directly from the public.
 - c. Payment of monies. Pay out monies belonging to the City only in the manner prescribed herein.

ARTICLE II: THE MAYOR AND CITY COUNCIL GENERALLY

3-201 Election

The Mayor shall be elected for a two-year term and the Councilmen shall be elected for two-year overlapping terms, and each elected officer shall serve until his successor is elected and qualified.

3-202 Qualifications for Office

The qualification fee for candidates filing a notice of candidacy in any general or special election shall be \$50.00 for the office of Mayor and \$25.00 for the office of City Councilman, which fee shall be paid to the Municipal Election Superintendent at the time of filing such notice of candidacy.

The provisions of this section shall supplement any mandatory provisions of the Official Code of Georgia Annotated which apply for qualifications for holding a municipal office.

3-203 Meetings

The City Council shall hold regular meetings on the first Monday in every month at 7:00 P.M., unless otherwise ordered by the City Council; provided, that the Mayor may convene the City Council whenever in his opinion the public business required it, and he shall do so upon the application of one member of the City Council. All meetings at which official actions are to be taken shall be open to the public.

3-204 Standing Committees

The Mayor shall, upon the advise and consent of the City Council, appoint Standing Committees to be composed of members of the City Council should he so desire.

3-205 Rules for the Conduct of Business

Robert's Rules of Order shall govern the conduct of Council Meetings.

3-206 Ordinances, Resolutions, Contracts and Inter-local Agreements

Unless otherwise provided in this Code, all Ordinances, Resolutions, Contracts and Inter-local Agreements of the City shall be prepared, approved, introduced and adopted in the following manner:

1. Preparation. All Ordinances shall be prepared by the City Attorney. No Ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested in writing by the Mayor, or prepared by the City Attorney on his own initiative.
2. Administrative Staff Approval. All Ordinances, Resolutions and Contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative, and shall have been examined and approved for administration by the Mayor or his authorized representative where there are substantive matters of

administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the Ordinance, Resolution, or Contract document would devolve and be approved by said department head; provided, however, that if approval is not given, then the same shall be returned to the Mayor with a written memorandum of the reasons why such approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection, or objection is not withdrawn and approval in writing given, then the Mayor shall so advise the Council and give the reasons advanced by the department head for withholding approval.

3. Introduction and Adoption.

a. Ordinances, Resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the Mayor or City Attorney may present Ordinances, Resolutions, and other matters or subjects to the Council, and any Councilman may assume sponsorship thereof by moving that such Ordinances, Resolutions, matters, or subjects be adopted.

b. No Ordinances shall relate to more than one subject, which shall be clearly expressed in its title, and no Ordinance, or section thereof, shall be amended or repealed unless the new Ordinance contains the title of the Ordinance or section amended or repealed, and when practicable all Ordinances shall be introduced as amendments to this Code.

4. Effective Date. No Ordinance shall take effect until five days after the date of its publication, except that an Ordinance passed by a majority plus one of the whole membership of the Council, designated therein as a public emergency Ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption.

3-207 Compensation

The Mayor shall be compensated in the amount of \$550.00 per month. The Council shall be compensated in the amount of \$450.00 per month. This amount shall become effective January 1, 1992 for the Mayor and those Council Members who were elected to office after January 1, 1992.

ARTICLE III: THE MAYOR

3-301 General Authority

The Mayor shall be the chief executive and administrative officer of the City government, shall enforce the laws of the City and shall require the performance of all administrative duties.

3-302 Duties

The Mayor shall have the following duties:

1. Presiding at meetings. To preside at all meetings of the City Council, but the Mayor shall not be allowed to vote at such meetings except in the case of a tie vote by the Council on any question.
2. Appointment of Standing Committees. To appoint at the first meeting each year, or as soon thereafter as expedient, standing committees for that year; but the Mayor may at any time alter the committees and make such changes the interest of the City may require.
3. Appointment of Officers and Employees. To appoint, by and with the advice and consent of the City Council, all officers and employees of the City whose election or appointment is not otherwise provided for.
4. Dismissal, Suspension and Discipline of Officers and Employees. To dismiss, suspend, or discipline, by and with the advice and consent of the City Council, for cause all officers and employees under his control, provided that for the purposes of this section "cause" shall be construed to mean:
 - a. negligence or inefficiency in performing the duties of the position held;
 - b. unfitness to perform assigned duties;
 - c. insubordination;
 - d. misconduct;
 - e. conduct reflecting discredit on the department;
 - f. failure to report for work without justifiable cause;
 - g. chronic absenteeism; or
 - h. political activity in violation of municipal regulations.
5. Executing Legal Documents. To sign and execute all contracts, deeds and bonds of the City duly authorized by the Mayor and Council.

3-303 Powers

The Mayor shall have the following powers:

1. Rule Making. To prescribe such rules and regulations as may be deemed necessary or expedient for the conduct of administrative agencies subject to his authority, and to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed;
2. Investigation. To investigate and to examine or inquire into, either by himself or by any officer or person designated for the purpose by him, the affairs or operation of any department, including the power to employ consultants and professional counsel when so authorized by the Council to aid in such investigations, examinations, or inquiries;
3. Overriding. To set aside any action taken by a department head and to supersede him in the functions of his office; and
4. Delegation. To direct any department to perform the work for any other department, and to authorize any department head or officer responsible to him to appoint and remove subordinates serving under such person.

3-304 Mayor Pro Tempore

The City Council shall elect one of its numbers to act as Mayor Pro Tem, who during absence or disability shall possess the powers of Mayor. In the event of a vacancy in the office of Mayor, the Mayor Pro Tempore shall serve until the vacancy is filled at a regular or special election as provided by law.

ARTICLE IV: OFFICERS AND EMPLOYEES

3-401 The City Attorney

1. Appointment and qualifications. The City Attorney shall be appointed by the Mayor, by and with the advice and consent of the City Council, and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless he is a member in good standing of the State Bar of Georgia and has been actively engaged in the practice of law for at least three years preceding his appointment.
2. Oath. Before entering upon the duties of his office, the City Attorney shall take the oath prescribed by this Code for City Officers.
3. Powers and duties. The City Attorney shall be the legal advisor and representative of the City and in such capacity shall:
 - a. advise the Council or its committees or any City Officer, when thereto requested, upon all legal questions arising in the conduct of City business;
 - b. prepare or revise Ordinances when so requested by the Council or

any committee thereof, and keep the Code of Ordinances of the City up-to-date and properly indexed;

- c. give his opinion upon any legal matter or question submitted to him by the Council, or any of its committees, or by any City Officer;
- d. prepare for execution all contracts and instruments to which the City is a party and approve, as to form, all bonds required to be submitted to the City;
- e. prepare, when authorized by the Council, all charges and complaints against, and appear in the Recorder's Court in the prosecution of every person charged with a violation of this Code or of a City Ordinance or of any regulations adopted under authority of the Charter, and see to the full enforcement of all judgments or decrees rendered or entered in favor of the City;
- f. defend any and all suits and actions at law or equity brought against the City unless otherwise directed by City Council;
- g. make immediate report to the Mayor and Council of the outcome of any litigation in which the City has an interest;
- h. make an annual report to the Mayor and Council of all pending litigation in which the City has an interest and the status thereof;
- i. have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes, and matters in favor of or against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise not involving or requiring payment to exceed \$1,000;
- j. keep complete and accurate records of the following, which records shall forever remain the property of the City:
 - (1) all suits in which the City had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel; and
 - (2) all written opinions prepared by the City Attorney and all certificates or abstracts of titles furnished by him to the City, or any department or official thereof; and
- k. render such other legal services as may be required by the Mayor or Council.

4. Compensation. The City Attorney shall submit to the Council, bills on the

first of each month, itemizing the type of work performed, date, and number of hours he was so engaged.

63-204 The City Manager

The City Manager shall have the following powers and duties:

1. To be responsible for supervising all paid employees of the City.
 - (a) The City Manager shall have the authority to supervise all City employees and this authority shall include the ability to hire, discipline or dismiss any such employee within the limits created under the City's personnel policies. The City Manager shall be responsible for supervision and control of the City Clerk, City General Superintendent, and Police Chief, and all employees reporting to the City Clerk, the General Superintendent and the Police Chief. Actions of the City Manager regarding hiring, disciplinary and termination decisions related to the City Clerk, the City General Superintendent and the Police Chief shall be submitted for prior approval by the City Council.
 - (b) The City Manager shall have the authority to promulgate and implement personnel policies and procedures necessary for the orderly administration of personnel matters within the City. Procedures shall apply to all employees under the control of the City Manager. The City Manager shall not promulgate or implement any personnel policy or procedure pursuant to the authority granted in this Ordinance which would have the effect of changing the status of any employee of the City to any designation other than an employee at will. In addition, no personnel practices or procedures shall be adopted by the City Manager pursuant to the authority granted in this Ordinance which would limit or prohibit the Mayor and City Council from exercising the legal authority granted to the Mayor and City Council in the Charter of the City of Lawrenceville, which authorizes the Mayor and Council to exercise ultimate final authority over the administrative affairs of the City, and the approval and adoption of personnel policies.
2. Prepare and present annual and periodic reports of the City's affairs including a summary of reports from department heads and such other reports as the Council may deem appropriate.
3. To sign and execute contracts, deeds and bonds of the City duly authorized by the Council and permitted by the City Charter or by State Law.
4. To investigate, examine, or inquire into, either personally or by any employee or person designated by the City Manager for that purpose, the affairs or operation of any department of the city, including the

power to employ consultants and other professionals, when so authorized by the council, to aid in such investigations, examination or inquiries.

5. To set aside, in his or her discretion, any action taken by a department head and supersede the department head in the functions of that office.
6. To direct any department to perform the work for any other department and to authorize any department head or officer responsible to him or her to appoint and remove subordinates serving under such person.
7. To see that all the laws and ordinances of the City are faithfully enforced.
8. To attend all meetings of the council with the right to take part in discussions, but shall not be allowed to vote.
9. To work with the Mayor to prepare and submit to the City Council, prior to the beginning of each fiscal year, a budget of proposed revenue and expenditures for the ensuing year, showing in as much detail as practical, the amount allocated to each department of the city government and the reasoning for such estimated expenditures.
10. To keep current accounts, at all times, showing the fiscal condition of the City, including the current and anticipated expenses, appropriations, cash on hand, and anticipated revenue of all municipal funds and accounts, and to make public reports to the City Council regarding the status of the accounts on at least a quarterly basis.
11. To keep all Council Members fully advised as to the financial condition and needs of the City.
12. To fix all salaries and compensation of the City employees lawfully employed by him or her, subject to guidelines as established by the Council.
13. To examine all proposed contracts to which the City may be a party, and sign on behalf of the City any contracts authorized by the council, except where the council directs that some other office or officer shall do so.
14. To supervise the performance of all contracts made for work for the City and advise the council on the progress of such work.
15. To make all purchases of supplies, materials and equipment for the City and see that the same are received as contracted for, provided, that all purchases shall be made in accordance with State law and in accordance with policies adopted by the Council.

16. To conduct all sales, which the Council may authorize, of personal property belonging to the City which has become unnecessary or unfit for City use.
17. To keep current inventory showing all real and personal property of the City and its location, value and condition.
18. To assist all boards, authorities, commissions and committees from time to time, created by the Council, as requested by the Council.
19. To perform such other tasks as may be delegated or assigned by the Mayor and Council.

ARTICLE V: DEPARTMENTS

⁵3-501 Police Department

1. Composition. The police department shall consist of the Police Chief and such other officers and personnel as the Mayor and Council shall prescribe.
2. Police Chief
 - a. Appointment and powers. The Police Chief shall be appointed by the Mayor, by and with the advice and consent of City Council, and shall be the chief executive officer of the police department, subject always to the orders and regulations of the Mayor and Council. In the exercise of his duties, the Police Chief shall have the power to establish and enforce rules and regulations for the government of the members and employees of the department, which rules shall, however, be consistent with the Ordinances of the City and the laws of the state.
 - b. Duties. The Police Chief shall have the following duties:
 - (1) to attend all meetings of the City Council;
 - (2) to see the proper service of all summonses, subpoenas, citations, executions, attachments, and rules of the City Council;
 - (3) to see that the Ordinances, rules, and regulations of the City and all statutes applicable therein are faithfully enforced;
 - (4) to preserve the rights of persons and property;
 - (5) to preserve the public peace, prevent infractions of the law, and arrest violators thereof;
 - (6) to oversee the conduct of the officers and men of the police force, and to be held strictly responsible for such conduct and for the general good order of the department;
 - (7) to keep adequate records of all personnel and equipment of the department including a log of all questions, activities, and investigations;
 - (8) to submit a monthly report to the City Council outlining the number and type of arrests for state offenses, the number and type of cases involving violations of municipal Ordinances;
 - (9) to submit monthly to the Georgia Department of Public Safety the "Uniform Crime Report" prescribed by state law (See O.C.G.A. § 35-3-30 through § 35-3-40); and

(10) to discharge such other duties as may be required of him by the Mayor or Council.

c. Resignation, Removal, Death, or Disability. In the event of resignation, removal, death, or disability of the Police Chief, the Mayor and Council shall appoint an acting Police Chief until a new chief can be duly appointed.

3. Police Officers

a. Qualifications. Any person employed by the City as police officer shall have the following qualifications:

- (1) be at least 18 years of age;
- (2) be a citizen of the United States;
- (3) have a high school diploma or its recognized equivalent;
- (4) not have been convicted, by any state or by the federal government, of any crime, the punishment for which could have been imprisonment in a federal or state prison or institution; nor shall he have been convicted of sufficient misdemeanors to establish a pattern of disregard for the law;
- (5) be fingerprinted and a search made of local, state and national fingerprint files to disclose any criminal records;
- (6) possess good moral character as determined by investigation under procedure established by the Georgia Peace Officers Standards and Training Council;
- (7) be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional or mental conditions which might adversely affect his exercising the powers or duties of a police officer.

b. Duties. It shall be the duty of the officers of the police department to acquire a full knowledge of and to enforce all of the Ordinances of the City and all statues applicable therein, to become familiar with the rules and regulations established by the Police Chief concerning the discipline, good order, proper conduct, care, and management of the police department, and to respect and obey all orders of the Police Chief not in conflict with the law or Ordinances of the City.

c. Conduct. Every member of the police department shall conduct himself or herself in a proper and law-abiding manner at all times and shall avoid the use of unnecessary force. Prohibited conduct shall include, but not be limited to the following:

- (1) absence from regular hours of duty without permission;
- (2) sleeping on duty;
- (3) insubordination or disobedience of orders;

- (4) purchase, possess, use, be under the influence of, or have the odor on their person of an alcoholic beverage while in uniform, on-duty, or in a city-owned vehicle except after gaining prior permission from the Chief of Police through the chain of command. This will only be granted for those special details that would require an officer to be perceived as having been drinking. Nothing in this section shall be construed as granting permission to members to violate any laws or ordinances;
- (5) willful maltreatment of any person or prisoner;
- (6) using profane language;
- (7) giving out or releasing any information covering the affairs, business or operation of the police department without the consent of the Police Chief;
- (8) receiving or accepting a reward from any person, firm, or corporation for any services rendered in the line of duty;
- (9) accepting bribes of money, gifts, or other articles of apparent or actual value, or accepting any fee, reward or gift of any friend in his behalf while he is in custody or after his release or discharge; or
- (10) active participation in any political campaign to the neglect of his official duty.

d. Penalties for improper conduct. Discipline for improper conduct shall be pursuant to Section 3-501 of this Ordinance.

4. Arms and uniforms. Each officer and member of the police department shall be furnished with such uniform, arms, and police equipment as provided for by the City Council. Uniforms shall be kept clean and pressed and shall be worn on duty at all times, unless otherwise ordered by a superior officer. The equipment, arms, and uniforms furnished by the City shall be and always remain the property of the City and shall be, when a change is ordered or on retirement from office, returned to the City. The members of the department shall be liable on their bonds for any loss or careless destruction of or damage to their arms and uniforms.

5. Arrests. Authorization of arrests with and without warrants generally.

a. An arrest for a crime may be made by a law enforcement officer either under a warrant or without a warrant if the offense is committed in such officer's presence or within such officer's immediate knowledge; if the offender is endeavoring to escape; if the officer has probable cause to believe that an act of family violence, as defined in Code Section 19-13-1, has been committed; if the officer has probable cause to believe that an offense involving physical abuse has been committed against a vulnerable adult, who shall be for the purposes of this subsection a person 18 years old

or older who is unable to protect himself or herself from physical or mental abuse because of a physical or mental impairment; or for other cause if there is likely to be failure or justice for want of a judicial officer to issue a warrant.

3-502 Department of Planning, Zoning and Inspections

1. Composition. The Department of Planning, Zoning and Inspections shall consist of the Director of Planning, Zoning and Inspections and such other officers or employees as approved by the Mayor and Council.
2. Appointment of Director. The Director of Planning, Zoning and Inspections shall be appointed by the City Clerk by and with the advice and consent of the Mayor and City Council, and shall exercise general supervision and administration over the affairs of the Planning, Zoning and Inspections Department. The Director shall report to the City Clerk.
3. Planning Duties. The Director of Planning, Zoning and Inspections shall have the following duties:
 - a. to advise the Mayor and City Council on all matters affecting the physical, social, and cultural growth and development of the City when requested or required to do so;
 - b. to undertake research studies and prepare a master plan or parts thereof for area renewal, conservation, rehabilitation development, or redevelopment;
 - c. to prepare, recommend, and assist other departments of the City in the development of specific projects intended to complement the master plan;
 - d. to prepare and recommend for adoption zoning and subdivision regulations;
 - e. to maintain the official map and keep it up to date;
 - f. to cooperate with the municipal Planning Commission and all other departments and boards of the City in carrying out its responsibilities; and
 - g. to exercise such other powers and duties as are delegated to him from time to time by the City Council.
4. Inspection. All department heads shall be considered as having inspection authority as to altering, repairing, or construction affecting their department and its activities. This authority shall include the following powers and duties:

- a. to see to the enforcement of all Ordinances and Codes relating to buildings or zoning and to inspect all buildings or structures being erected or altered as frequently as may be necessary to insure compliance with said City Ordinances or Codes;
- b. to make or cause to be made, at any reasonable hour, entries into building or premises where the work of altering, repairing, or constructing is going on, for the purpose of making inspections;
- c. to issue written "stop-work" orders on construction, alteration, or repair of buildings in the City when such work is being done in violation of any provision of any Ordinance or Code relating thereto, or in violation of the Zoning Ordinance;
- d. to exercise such other powers and duties as may be delegated to the department head from time to time by the Mayor or Council.

ARTICLE VI: BOARDS AND COMMISSIONS

13-601 Municipal Planning Commission

1. Regulations. The Municipal Planning Commission shall be bound by the rules and Ordinances of the Zoning Ordinance of the City of Lawrenceville, as amended. The Municipal Planning Commission shall also provide by the terms and provisions of the Official Code of Georgia Annotated as amended which define the function and regulations of the Municipal Planning Commission.
2. Composition, Appointment, and Tenure. The municipal Planning Commission shall consist of five members appointed by the Mayor, by and with the advice and consent of City Council. Except for the initial appointments, the terms of the members shall be for three years each. Two of the members first appointed shall be appointed for a three-year term, two shall be appointed for a two-year term, and one shall be appointed for a one-year term. Members shall serve until their successors are appointed.
3. Vacancies. Vacancies shall be filled by appointments for unexpired terms only and in the same manner as for original appointments.
4. Removal. Any member of the Planning Commission may be removed by the Mayor or City Council for cause after written notice and a public hearing. Any member who misses more than three (3) meetings in any one calendar quarter without excuse shall be removed from the Board by the Mayor and Council. The Chairman of the Board shall keep an attendance record and report attendance to the Mayor's office on a monthly basis.

5. Compensation. All members of the municipal Planning Commission shall receive compensation in an amount to be determined by the Mayor and Council.
6. Officers and rules of procedure. The Planning Commission shall elect for one of its members as chairperson who shall serve for one year or until such person is reelected or a successor is elected. A second appointive member shall be elected as vice-chairperson and shall serve for one year or until such person is reelected or a successor is elected. The commission shall appoint a secretary, who may be an officer or employee of the City or of the Planning Commission. The Planning Commission shall meet at least once each month at the call of the chairperson and at such other times as the transaction of business, and shall keep a record of its proceedings, which record shall be open to public inspection. Employees and staff may be appointed by the Planning Commission as necessary.
7. Powers and duties. The Municipal Planning Commission shall make careful and comprehensive surveys and studies of existing conditions and probable future developments and prepare plans for physical, social, and economic growth in an effort to promote the public health, safety, morals, convenience, prosperity, or general welfare of the municipality. In carrying out its objectives the Planning Commission shall have the following specific powers and duties:
 - a. to prepare a master plan or parts thereof for the development of the City;
 - b. to prepare and recommend for adoption a Zoning Ordinance and map for the City;
 - c. to prepare and recommend for adoption regulations for the subdivisions of land within the City limits to administer the regulations that may be adopted;
 - d. to prepare and recommend for adoption a plat or plats or an official map showing the exact location of the boundary lines of existing, proposed, extended, unlined or narrowed streets, public open spaces, or public building sites and provide for the regulation of construction of buildings or other structures within such lines;
 - e. to cooperate with, contract with, or accept funds from Federal, State or local public or quasi-public agencies and to expend such funds; and
8. Meetings. The meetings of the municipal Planning Commission shall be held on the second Monday at 7:00 P.M. provided notification of such is given to the members of the commission by the City Clerk.

9. Quorum. For the purpose of transacting business, a quorum of the Municipal Planning Commission shall be deemed to be three of the five members.
10. City Appointment to Municipal-County Planning Commission.
- a. There is hereby determined and declared to be a present and future need for the City of Lawrenceville to participate in the Municipal-County Planning Commission established under Section 1-5028 of the Code of Gwinnett County, Georgia.
 - b. There is hereby created and activated in the City a position entitled, "Representative of the City of Lawrenceville to the Municipal- County Planning Commission."
 - c. The appointed representative for the City of Lawrenceville shall be a person who is a resident of the City of Lawrenceville and be a person who has demonstrated special interest, experience or education in issues affecting the City of Lawrenceville and County of Gwinnett. The position shall be filled by appointment of the Mayor and ratification by the City Council.
 - d. The representative shall serve for four years from the date of appointment. In the event a vacancy shall occur in this position other than by expiration of the representative's regular four year term, the vacancy shall be filled by appointment by the Mayor and ratification by the City Council for the unexpired portion of the term remaining. The Board of Commissioners of Gwinnett County shall have the power to remove the representative appointed hereunder for cause, after written charges have been drawn and after a public hearing has been held.
 - e. The representative appointed may participate in all discussions before the Municipal-County Planning Commission to represent the interest of the City of Lawrenceville and is hereby empowered to vote in the City's best interest ⁱon any issue which affects property within the city limits of the City of Lawrenceville.
 - f. The representative shall receive all rights and privileges of this position provided by law and shall be reimbursed \$75.00 for expenses incurred in connection with official duties on behalf of the City of Lawrenceville while serving on the Municipal-County Planning Commission.

Nothing in this subsection 3-601.10 shall be construed to abrogate or impair the powers of the Courts or of any department of the City to enforce any provision of its Charter or its Ordinances or regulations, nor to prevent or

punish violations thereof; and the powers conferred by this subsection shall be in addition to and supplemental to the powers conferred by any other law or by Charter.

²**3-602 Reserved**

3-603 Vacancies Created by Appointed Officials Qualifying for Elected Office

The office of any appointed official of this City shall be declared vacant upon such appointed official qualifying, in a general primary or general election, or special primary or special election, for any state, county, or municipal elective office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying begins more than thirty (30) days prior to the expiration of such official's present term of office. The vacancy created shall be filled as provided by this Code.

³ **ARTICLE VII: IDENTITY THEFT PREVENTION PROGRAM**

3-701 Purpose

The purpose of this Article is to comply with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

3-702 Definitions

For purposes of this Article, the following definitions apply:

1. City. The City of Lawrenceville.
2. Covered account. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.
3. Credit. The right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
4. Creditor. Any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit;

or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

5. Customer. A person that has a covered account with a creditor.
6. Identity theft. Fraud committed or attempted using identifying information of another person without authority.
7. Person. A natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
8. Personal Identifying Information. A person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.
9. Red flag. A pattern, practice, or specific activity that indicates the possible existence of identity theft.
10. Service provider. A person that provides a service directly to the city.

3-703 Findings

1. The city is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
2. A covered account offered to customers for the provision of city services include water, gas, and electric accounts.
3. The city's previous experience with identity theft related to covered accounts is as follows:
Minimal complaints only.
4. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, unauthorized entry to the storage room where applications are kept, and verifying the social security number when provided, have been identified as potential processes in which identity theft could occur.
5. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system or on a hard copy stored in a locked room.

3-704 Process of Establishing a Covered Account

1. As a precondition to opening a covered account in the city, each applicant

shall provide the city with personal identifying information of the customer including a valid drivers license and social security number. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.

2. Each account shall be assigned an account number.

3-705 Access to Covered Account Information

1. Access to customer accounts shall be password protected and shall be limited to authorized city personnel.
2. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the City Clerk and the password changed immediately.
3. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Clerk and the City Attorney.

3-706 Credit Card Payments

1. In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
2. All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.
3. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

3-707 Sources and Types of Red Flags

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

1. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
 - a. A fraud or active duty alert that is included with a consumer report;
 - b. A notice of credit freeze in response to a request for a consumer report;

- c. A notice of address discrepancy provided by a consumer reporting agency;
- d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - i. A recent and significant increase in the volume of inquiries;
 - ii. An unusual number of recently established credit relationships;
 - iii. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

2. Suspicious documents. Examples of suspicious documents include:

- a. Documents provided for identification that appear to be altered or forged;
- b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
- c. Identification on which the information is inconsistent with information provided by the applicant or customer;
- d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
- e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

3. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

- a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
 - i. The address does not match any address in the consumer report; or
 - ii. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death

Master File.

- b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
- c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
- d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
- e. The SSN provided is the same as that submitted by other applicants or customers.
- f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
- g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
- i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

4. Unusual use of or suspicious activity relating to a covered account.

Examples of suspicious activity include:

- a. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
- b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
 - i. The customer fails to make the first payment or makes an

initial payment but no subsequent payments.

- c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - i. Nonpayment when there is no history of late or missed payments;
 - ii. A material change in purchasing or spending patterns;
- d. An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
- e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
- f. The city is notified that the customer is not receiving paper account statements.
- g. The city is notified of unauthorized charges or transactions in connection with a customer's account.
- h. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

5. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts

6. 3-708 Prevention and Mitigation of Identity Theft

1. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Account Clerk of Utilities or the City Clerk. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to a supervisor, who may in his or her discretion determine that no further action is necessary. If the supervisor in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by Account Clerk of Utilities or

the City Clerk:

- a. Contact the customer;
- b. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
 - i. change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - ii. close the account;
- c. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
- d. Notify a debt collector within [select time frame, for example, 24 hours] of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
- e. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
- f. Take other appropriate action to prevent or mitigate identity theft.

2. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to Account Clerk of Utilities or the City Clerk. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the supervisor, who may in his or her discretion determine that no further action is necessary. If supervisor in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Account Clerk of Utilities or the City Clerk:

- a. Request additional identifying information from the applicant;

- b. Deny the application for the new account;
- c. Notify law enforcement of possible identity theft; or
- d. Take other appropriate action to prevent or mitigate identity theft.

3-709 Updating the Program

1. The city council shall annually review and, as deemed necessary by the council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the city council shall consider the following factors and exercise its discretion in amending the program:

- a. The city's experiences with identity theft;
- b. Updates in methods of identity theft;
- c. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- d. Updates in the types of accounts that the city offers or maintains;
and
- e. Updates in service provider arrangements.

3-710 Program Administration

1. City Clerk is responsible for oversight of the program and for program implementation. The Account Clerk of Utilities or the City Clerk is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Account Clerk of Utilities or the City Clerk, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the city council for consideration by the council.

2. The Account Clerk of Utilities will report to the City Clerk at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

- a. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
- b. Service provider arrangements;

- c. Significant incidents involving identity theft and management's response; and
- d. Recommendations for material changes to the Program.

3. The City Clerk is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The City Clerk shall exercise his or her discretion in determining the amount and substance of training necessary.

3-711 Outside Service Providers

1. In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the City Clerk shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

3-712 Treatment of Address Discrepancies.

1. Short Title. Treatment of Address Discrepancies.

2. Purpose. Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

3. Definitions. For purposes of this article, the following definitions apply:

a. Notice of address discrepancy. A notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.¹

b. City.- City of Lawrenceville.

4. Policy. In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

- a. Compare the information in the consumer report with:

¹ See 16 CFR § 681.1(b).

- i. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(l);
 - ii. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
 - iii. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
- b. Verify the information in the consumer report with the consumer.

5. Methods of Confirming Consumer Addresses. The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- a. Verifying the address with the consumer;
- b. Reviewing the city's records to verify the consumer's address;
- c. Verifying the address through third party sources; or
- d. Using other reasonable processes.

⁴**ARTICLE VIII: GENERAL PROVISIONS FOR CITY EMPLOYMENT**

3-801 Public Benefits

In order to receive state or local benefits provided by the City as part of compensation for employment, each new employee must submit a sworn affidavit attesting to the affiant's immigration status. The status of employees who swear by affidavit to be a qualified alien or nonimmigrant under the federal Immigration and Nationality Act will also be verified through the Systematic Alien Verification of Entitlement (SAVE) program.

3-802 State Income Tax Withholding

The City will withhold six percent (6%) of an employee's compensation for state income tax if the employee fails to provide a taxpayer identification number, fails to provide a correct taxpayer identification number, or provides a taxpayer identification

number issued for nonresident aliens.

ⁱ Ordinance to Amend Section 3-601-10(f) was adopted on February 5, 2001.

² Ordinance to Amend Section 3-602 was adopted on June 5, 2006.

³ Ordinance to Add Section VII was adopted on October 15, 2008.

⁴ Ordinance to Amend Chapter 3 of the City of Lawrenceville's 2005 General Code of Ordinances was adopted on December 1, 2008.

⁵ Ordinance to Amend Chapter 3-501 was adopted on March 2, 2009.

⁶ Ordinance to Adopt Chapter 3-402 was adopted on August 1, 2011.