

**ORDINANCE \_\_\_\_\_**

**ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA  
RELATED TO ADMINISTRATION TO UPDATE VARIOUS PROVISIONS RELATED TO THE  
ADMINISTRATION OF THE CITY AND FOR OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That of Sec. 2-1, related to exercise of governmental authority, is hereby amended by deleting Sec. 2-1 in its entirety and replacing the language to read as follows:

**Sec. 2-1. Exercise of governmental authority.**

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

Section 2:

That subsection (a)(1)d. of Sec. 2-2, related to code of ethics for city employees, is hereby amended by deleting (a)(1)d. and replacing the language to read as follows:

**Sec. 2-2. Code of Ethics.**

(a) *Code of Ethics for City employees.*

(1) *Prohibited conduct.*

- d. Accepting gifts with a value equal to or more than \$100.00, whether in the form of money, things, favors, loans, or promises, that would not be offered or given to them if they were not an employee. A gift of \$50.00 or less is exempt from reporting. A gift of \$50.01 to \$99.99 is only exempt if the gift is reported in writing to the City Clerk within 30 days of receipt. The Clerk shall disclose all such gifts in a consent agenda report published on a quarterly basis.

Section 3:

That subsection (a)(2) of Sec. 2-2, related to hearings and determinations, is hereby amended by deleting (a)(2) and replacing the language to read as follow:

**Sec. 2-2. Code of Ethics.**

(a) *Code of Ethics for City employees.*

(2) *Hearings and determinations.* If an employee is found guilty of an ethics violation, a name clearing hearing may be held as described in the City of Lawrenceville Personnel Policy.

Section 4:

That subsection (b) Sec. 2-2, related to code of ethics for city officials, is hereby amended by deleting (b) in its entirety and replacing the language to read as follows:

**Sec. 2-2. Code of Ethics.**

(b) *Code of Ethics for City Officials.*

(1) *Definitions.* As used in this section, the following words shall have the meaning ascribed to them below (unless otherwise required by context):

- a. *Benefit* means anything of monetary value that a reasonably prudent person would recognize as being likely to be intended to influence a City of Lawrenceville Official in the performance or non-performance of an official action.
- b. *Confidential information* means information which has been obtained in the course of holding public office, employment, an independent contract or otherwise acting as a public servant, and which information is not available to members of the public under the Georgia Open Records Act or other law or regulation and which the public servant is not authorized to disclose, including:
  - 1. Any written information that could lawfully be exempted from disclosure pursuant to state law, unless the public servant disclosing it is authorized to do so by state law, or pursuant to some other pertinent law, policy, or procedure;
  - 2. Any non-written information which, if it were written, could be excepted from disclosure under state law, unless the public servant disclosing it is authorized to do so by the state law, or pursuant to some other pertinent law, policy or procedure; and
  - 3. Information which was obtained in the course of or by means of a record or oral report of a lawful executive or closed session, whether or not the disclosure of the information would violate state law, unless the public servant disclosing it is authorized by

state law to do so, or unless the public servant disclosing it has been properly authorized to disclose it pursuant to an applicable law, policy or procedure; however, when such information is also available through channels which are open to the public, this provision does not prohibit public servants from disclosing the availability of those channels.

- c. *Entity* means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.
- d. *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any City of Lawrenceville Official related by blood, adoption, or marriage. The relationship by marriage shall include in-laws.
- e. *City of Lawrenceville Official* means the members of the City Council, Municipal Court Judges (including substitute judges), City Manager, Assistant City Manager(s), Public Works Director, Police Chief, Chief Communications Officer, City Clerk, Assistant City Clerk, City Attorney, Chief Financial Officer, and all other persons holding positions designated by the City Charter. The term City Official also includes all individuals appointed by the City Council to all City authorities, boards, commissions, committees, task forces, or other bodies unless specifically exempted from this article by the City Council.
- f. *Interest* means any personal pecuniary benefit accruing to a public servant or the public servant's partner in interest, whether in the public servant's own name or the name of any person or business from which the public servant is entitled to receive any personal benefit, as a result of a matter which is or which is expected to become the subject of an official action by or with the City.
- g. *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- h. *Partner in interest* means, when used in this article in connection with a public servant, as in the phrase "a public servant or a partner in interest," any and all of the following:
  - 1. A member of the public servant's immediate family;
  - 2. A business with which the public servant or a member of the public servant's immediate family is associated;

3. Any other person with whom the public servant or a member of their immediate family is in business, or is negotiating or has an agreement concerning future employment or the future conferring of any personal benefit, whether in the public servant's own name or the name of any business or person from whom the public servant is entitled, or expects to become entitled, to receive any personal benefit, as a result of a contract or transaction which is, or which is expected to become, the subject of an official action by or with the City. The term "partner in interest" does not imply or require any form of legal partnership or formal agreement; or
4. When used in the phrase "a public servant or partner in interest," the term "partner in interest" refers only to a partner in interest of the public servant to whom reference is being made, and not to any other person's partner in interest.
  - i. *Remote interest* means an interest of a person or entity, including a City Official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general City fees, City utility charges, comprehensive zoning ordinance, or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
  - j. *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:
    1. The interest is as follows:
      - (a) Ownership of five percent or more of the voting stock, shares or equity of the entity; or
      - (b) Ownership of \$5,000.00 or more of the equity or market value of the entity.
    2. The funds received by the person from the other person or entity during the previous 12 months either equal or exceed:
      - (a) \$5,000.00 in salary, bonuses, commissions, or professional fees, or \$5,000.00 in payment for goods, products or services, or ten percent of the recipient's gross income during that period, whichever is less;
      - (b) The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City Council; or which entity receives an amount of \$5,000.00 or more; or

- (c) The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

(2) *Principal policies.* The public trust requires public servants to fulfill their duties faithfully and honestly and to subordinate any personal interest, which conflicts with the public interest. A public servant is a trustee of the people and should strive to further the general welfare of the public and not use his/her public office or position to unethically improve their own private standing. The principal policies that form the foundation of this Code of Ethics are as follows:

- a. The trust of citizens in their government is cultivated when individual public servants act with integrity and when the public is aware that its servants act with integrity.
- b. The constitutions, laws and regulations of the United States and the State of Georgia and ordinances of the City of Lawrenceville should be upheld as a minimum standard of conduct.
- c. The most effective way to eradicate unethical practices is to consistently act with the highest moral principles and react appropriately to the ethical decisions of others.
- d. City of Lawrenceville Officials should exercise sound judgment and apply ethical principles in making decisions that in any manner reflect upon their elected office.
- e. All citizens should be treated with courtesy, impartiality, and equality.

(3) *Intent.* It is the intent of this Code of Ethics that City of Lawrenceville officials shall not knowingly engage in any activity that is incompatible with the proper discharge of their official duties or which would tend to impair their judgment or actions in the performance of their official duties. Furthermore, City of Lawrenceville Officials should avoid any action that might result in or create the appearance of:

- a. Using public office or position in an unethical manner for private gain;
- b. Impeding City of Lawrenceville efficiency or economy; or
- c. Affecting adversely the confidence of the public in the integrity of those who conduct the affairs and business of the City of Lawrenceville.

(4) *Conduct.*

- 1. Expected
  - a. City of Lawrenceville Officials shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and;

- b. City of Lawrenceville Officials shall avoid both actual and potential conflicts between their private self-interest and the public interest.
- c. *Disclosure.* City of Lawrenceville Officials shall disclose the nature of any substantial interest they have in a matter at the time such matter is presented to the City Council for discussion and/or action. Such disclosure shall be recorded in the minutes of the meeting and become part of the public record.
- d. *Duty to leave meeting.* To avoid the appearance of impropriety, after any member of the City Council or Council appointed Board or Committee member is determined to have a substantial interest or a potential substantial interest in any matter, they shall leave their regular seat as a member of the City Council or Council appointed Board or Committee and not return to it until deliberation and action on the matter is completed. Provided, however, that such official shall not be precluded from addressing an appointed Council Board or Committee or the City Council during the discussion of any agenda item or any official act or action in the same manner as a member of the general public.

2. Prohibited

- a. City of Lawrenceville Officials shall not have a substantial interest that conflicts with their responsibilities and duties as trustees of the public good; or
- b. City of Lawrenceville Officials shall not directly or indirectly engage in financial transactions as a result of, or primarily rely upon, confidential information obtained in the course of their office or received due to their position.
- c. *Acceptance of gifts.* City of Lawrenceville Officials shall not solicit or accept, directly or indirectly, any benefit or payment from any person, corporation or group that has, or is seeking to obtain, a contractual or other business or financial relationship with the City of Lawrenceville.

1. The above prohibitions shall not apply in the case of:

- (a) Occasional nonmonetary gift(s) of insignificance or trinkets or gifts, such as a calendar, memento, or pen, received in the normal course of business with a value of/or less than \$100.00. A gift of \$50.00 or less is exempt from reporting. A gift of \$50.01 to \$99.99 is only exempt if the gift is reported in writing to the City Clerk within 30 days of receipt.

The Clerk shall disclose all such gifts in a consent agenda report published on a quarterly basis.

- (b) Award publicly presented in recognition of public service;
  - (c) Transaction authorized by and performed in accordance with O.C.G.A. § 16-10-6 as now or hereafter amended;
  - (d) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of the State of Georgia to engage in the making of such loan or financial transaction;
  - (e) Campaign contributions made and reported in accordance with State of Georgia laws;
  - (f) Items listed under O.C.G.A. § 16-10-2 that are specifically itemized as "a thing of value shall not include" as now or hereafter amended;
  - (g) Promotional items generally distributed to the general public or to public officials; or
  - (h) Food, beverage, admission or expenses afforded City Officials, members of their immediate families, or others that are associated with normal and customary business or social functions, activities, or events.
- d. *Use of public property.* City of Lawrenceville Officials shall not use City of Lawrenceville property of any kind for other than officially approved activities, nor shall they direct a City of Lawrenceville employee to use such property for other than official purposes.
- e. *Use of confidential information.* City of Lawrenceville Officials shall not directly make use of, or permit others to make use of, for the purpose of furthering a private interest, City of Lawrenceville information not made available to the general public.
- f. *Coercion.* City of Lawrenceville Officials shall not use their position in any way to coerce, or give the appearance of coercing:
1. Another person to provide any benefits to themselves or to their immediate family as defined herein;
  2. A City of Lawrenceville employee, an appointed official of the City of Lawrenceville, or a contract employee to

provide any benefit to themselves or to their immediate family as defined herein; or

3. Any judge in the outcome of matters before the court.
- g. *Purchases.* City of Lawrenceville Officials shall not order any goods or services for the City of Lawrenceville or on behalf of the City of Lawrenceville without proper authorization in compliance with the City of Lawrenceville Code.
- h. *Conflicts of interest.* City of Lawrenceville Officials shall not represent private interests, other than their own, in any action or proceeding against the City of Lawrenceville or any portion of its government; or vote or otherwise actively participate in the negotiation or the making of any contract between the City of Lawrenceville government and any business or entity in which they have a substantial interest. City of Lawrenceville Officials shall not enter into any contract with, or have any interest in, either directly or indirectly, the City except as authorized by state law.
1. This prohibition shall not be applicable to the professional activities of the City Attorney in their work as an independent contractor and legal advisor on behalf of the City.
  2. This prohibition shall not be applicable to an otherwise valid employment contract between the City and a City Official who is not elected (such as, by way of example, a City Manager).
  3. Any official who has a proprietary interest in an entity doing business with the City shall make that interest known in writing to the City Council and the City Clerk.
- i. *City of Lawrenceville employees.* City of Lawrenceville Officials shall not use a City of Lawrenceville employee for personal or private business during regular business hours or during the employee's scheduled shift.
- j. *Travel expenses.* City of Lawrenceville Officials shall not draw per diem or expense money from the City of Lawrenceville to attend a seminar, convention, conference, or similar meeting and then fail to attend the seminar, conference, convention, or similar meeting without promptly reimbursing the City thereafter.
- k. *Commitments.* City of Lawrenceville Officials shall not act or create the appearance of acting on behalf of the City of

Lawrenceville by promising to authorize or prevent any future official action of any nature, without proper authorization.

- I. *False statements.* City of Lawrenceville Officials shall not make an intentionally false or materially misleading statement or in any manner commit fraud in relation to any City of Lawrenceville or public business.
- m. *Deliberation and vote prohibited.* City of Lawrenceville Officials shall not participate in a City of Lawrenceville Council appointed Board, Committee or Council meeting during the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item, or any official act or action in which he or she has a substantial interest. Provided, however, that such officials shall not be precluded from addressing a Council appointed Board, Committee, or the City Council during the discussion of any agenda item or any official act or action in the same manner as a member of the general public. Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the City Official may participate in the vote or decision and need not disclose the interest.

(5) Ethics Hearings

- a. *Ethics hearing officer.* The Chief Judge of Municipal Court, or, in their absence, their designee who shall be another municipal court judge, or if no municipal court judge is available, the City of Lawrenceville Attorney, is hereby designated as the Ethics Hearing Officer. The Ethics Hearing Officer shall serve without compensation and may be removed for cause by a majority vote of the City of Lawrenceville Council. If the hearing officer is removed for cause, the next most senior Municipal Court Judge or the City of Lawrenceville Attorney shall serve as hearing officer.
- b. *Receipt of complaints.* All complaints against a City of Lawrenceville Official shall be filed in writing with the City Clerk to be referred to the Ethics Hearing Officer in such form as may be prescribed by the Ethics Hearing Officer. All complaints shall be submitted and signed under oath, shall be legibly drawn, and shall clearly address matters within the scope of this ordinance. Upon receipt of a complaint in proper form, the City Clerk will deliver a copy of the complaint to the Ethics Hearing Officer, who shall:
  - 1. Review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to

invoke disciplinary action or is to be considered for further investigation.

2. Be empowered to dismiss those complaints that are unjustified, frivolous, patently unfounded or that fail to state facts sufficient to constitute a violation of this article; provided, however, that a rejection of such complaint by the Ethics Hearing Officer shall not deprive the complaining party of any action he or she might otherwise have at law or in equity against the City of Lawrenceville Official.
  3. Notify the City of Lawrenceville Official charged in the complaint as soon as practicable but in no event later than seven calendar days after receipt of a verified complaint.
  4. Be empowered to collect evidence and information concerning any complaint and to add to the findings and results of its investigation to the file containing such complaint.
  5. Be empowered to conduct probable cause investigations, to take evidence and hold hearings. The Ethics Hearing Officer shall give the City of Lawrenceville Official notice and an opportunity for a hearing.
  6. Be empowered to recommend to the City of Lawrenceville Council that any City of Lawrenceville Official found to have violated any provision of this article receive a reprimand, censure or be requested to resign from their office.
  7. Be empowered to refer a complaint to the appropriate law enforcement agent or agency for investigation and possible prosecution.
  8. Take action within 60 days of receipt of the complaint. The decision by the Ethics Hearing Officer shall be reduced to writing and served upon all parties of interest within five days of reaching a decision.
  9. The Ethics Hearing Officer shall appear in a public hearing before the City of Lawrenceville Council to present argument and evidence to justify the recommendation contained in paragraph (6) above and make a recommendation of the proper penalty to be imposed. The City of Lawrenceville Council shall have the final authority to act on or reject the recommendation within 30 days of the presentation by the Hearing Officer.
- c. *City of Lawrenceville Council action.* Within 30 days following the presentation of the findings of the Ethics Hearing Officer, the City of

Lawrenceville Council shall have the final authority to act on or reject the recommendations of the Ethics Hearing Officer. If the subject of the complaint is a member of the City of Lawrenceville Council, he or she will not be allowed to vote pursuant to this section or participate in any discussion related thereto. Nor shall such position be counted for the purpose of establishing a quorum for this particular purpose.

- d. *Penalties.* Upon majority vote of the City of Lawrenceville Council, any violation of this Code of Ethics shall subject the offender to disciplinary action including reprimand, censure, or a request to the offending City of Lawrenceville Official that he or she resign their office.
- e. *Right to appeal.* Any City of Lawrenceville Official adversely affected by a disciplinary action taken by the City of Lawrenceville Council may appeal the decision to the Gwinnett County Superior Court in accordance with the laws of the State of Georgia. Provided, however, that no action of the Hearing Officer refusing or failing to take action pursuant to this Code of Ethics shall be reviewable by the Superior Court.
- f. *Election tolling.* To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a City of Lawrenceville official, whether currently serving as a City of Lawrenceville official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

#### Section 5:

That subsection (b) of Sec. 2-3, related to administrative policy and procedures, is hereby amended by deleting subsection (b) in its entirety and replacing the language to read as follows:

#### **Sec. 2-3. Administrative policy and procedures.**

- (b) *Department directors.* All department directors shall:
  - (1) Be responsible to the City Manager for the effective administration of their respective department and all activities assigned thereto;
  - (2) Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the City Manager, such new practices as appear to be of benefit to the service and to the public;
  - (3) Have power, when authorized by the City Manager, to appoint and remove, subject to personnel regulations, all subordinates under him; and

- (4) Be responsible for the proper maintenance of all City property and equipment used in their respective departments.

Section 6:

That Sec. 2-26, related to qualifications for office, is hereby amended by deleting Sec. 2-26 in its entirety and replacing the language to read as follows:

**Sec. 2-26. Qualifications for office.**

The qualification fee for candidates filing a notice of candidacy in any general or special election shall be set by the Mayor and Council in accordance with State law. Fees are covered in Elections portion of the Code, Chapter 16. Qualifications for office are set out in the City Charter.

Section 7:

That Sec. 2-27, related to meetings, is hereby amended by deleting Sec. 2-27 in its entirety and replacing the language to read as follows:

**Sec. 2-27. Meetings.**

The City Council shall hold regular meetings as prescribed annually by ordinance adopted by the City Council. The City Council shall hold work session meetings as prescribed annually by ordinance adopted by the City Council. A special called meeting of the City Council may be convened at any time in accordance with Georgia law. All meetings at which official actions are to be taken shall be open to the public in accordance with the Open Meetings Act, O.C.G.A. § 50-14-1 et seq.

Section 8:

That Sec. 2-29, related to rules for the conduct of business, is hereby amended by deleting Sec. 2-29 in its entirety and replacing the language to read as follows:

**Sec. 2-29. Rules for the conduct of business.**

Robert's Rules of Order, most recent edition, may be used as a guide to govern the conduct of Council meetings.

Section 9:

That subsection (c) of Sec. 2-49, related to city attorney, is hereby amended by deleting subsection (c), in its entirety and replacing the language to read as follows:

**Sec. 2-49. City Attorney.**

- (c) *Powers and duties.* The City Attorney shall be the legal advisor and representative of the

City and in such capacity shall:

- (1) Advise the City Council or its committees or any City Official, when thereto requested, upon all legal questions arising in the conduct of City business;
- (2) Prepare or revise ordinances when so requested by the City Council or any City Official;
- (3) Give his opinion upon any legal matter or question submitted to him by the City Council, or any of its committees, or by any City Official;
- (4) 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;
- (5) Prepare, when authorized by the City Council, all charges, and complaints against, and appear in the Municipal 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;
- (6) Defend any and all suits and actions at law or equity brought against the City unless otherwise directed by the City Council;
- (7) Make immediate report to the City Council of the outcome of any litigation in which the City has an interest;
- (8) Make an annual report to the City Council of all pending litigation in which the City has an interest and the status thereof;
- (9) Keep complete and accurate records of the following, which records shall forever remain the property of the City:
  - a. 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
  - b. 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
- (10) Render such other legal services as may be required by the City Council.

Section 10:

That Sec. 2-50, related to city manager, is hereby amended by deleting Sec. 2-50 in its entirety and replacing the language to read as follows:

**Sec. 2-50. 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.
  - b. The City Manager shall be responsible for the supervision and control of the City Clerk, and all employees reporting to the City Clerk. Actions of the City Manager regarding hiring, disciplinary, and termination decisions related to the City Clerk shall be submitted for prior approval by the City Council.
- (2) To sign and execute deeds and bonds of the City duly authorized by the City Council and permitted by the City Charter or by State law.
- (3) 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 City Council, to aid in such investigations, examinations, or inquiries.
- (4) To set aside, in his discretion, any action taken by a department head and supersede the department head in the functions of that office.
- (5) 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.
- (6) To examine all proposed contracts to which the City may be a party, and to sign and execute or to have signed and executed on behalf of the City any contracts authorized by the City Council, except where the City Council directs that some other office or officer shall do so.
- (7) To assist all boards, authorities, commissions, and committees created by the City Council, as requested by the City Council.
- (8) To perform such other tasks as may be delegated or assigned by the City Council.

Section 11:

That Sec. 2-51, related to city clerk, is hereby amended by deleting Sec. 2-51 in its entirety and replacing the language to read as follows:

**Sec. 2-51. City Clerk.**

The City Clerk shall have the following powers and duties:

- (1) To prepare and distribute City Council agenda packets, provide notice of all City Council meetings, and publish other public notices that are required by law, including notifying the news media of the same.

- (2) To attend all meetings of the City Council and to take and transcribe minutes of all City Council meetings.
- (3) To catalog and publish City Council minutes and City ordinances and ensure Code books are revised to reflect City Council action.
- (4) To maintain the City Charter.
- (5) To serve as the Municipal Election Superintendent.
- (6) To provide administrative support to the City Council.
- (7) To support the maintenance of City records and public documents and perform certification and recording for the City as required on legal documents.
- (8) To maintain all records and invoices on City quality of life, nuisance and abatement cases, and to coordinate with the City Attorney on the filing of liens and collection of payments.
- (9) To provide public records and information to citizens, civic groups, the media, and other agencies as requested.
- (10) Shall be custodian of the official city seal.

Section 12:

That Sec. 2-78, related to municipal planning commission, is hereby amended by deleting Sec. 2-78 in its entirety and replacing the language to read as follows:

**Sec. 2-78. Municipal Planning Commission.**

- (a) *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 abide 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.
- (b) *Composition, appointment, and tenure period.* The Municipal Planning Commission shall consist of five members appointed by the Mayor, by and with the consent of the City Council. The terms of the members shall be four years each.
- (c) *Vacancies.* Vacancies shall be filled by appointments for unexpired terms only and in the same manner as for original appointments.
- (d) *Removal.* Members of the Planning Commission serve at the pleasure of the City Council and may be removed for any reason at any time. Any member who misses more than three meetings in any one calendar year without excuse shall be removed from the Commission by the Council. The Chairman of the Commission shall keep an attendance record and report attendance to the Mayor's office on a monthly basis.

- (e) *Compensation.* All members of the Municipal Planning Commission shall receive compensation in an amount to be determined by the Council.
- (f) *Officers and rules of procedure.* The Planning Commission shall elect 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 employee of the City or a member of the Planning Commission. The Planning Commission shall meet at least once each month as required at the call of the Chairperson and at such other times as the transaction of business requires. The Planning Commission shall keep a record of its proceedings, which record shall be open to public inspection.
- (g) *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:
  - (1) To prepare a master plan or parts thereof for the development of the City;
  - (2) To prepare and recommend for adoption a zoning ordinance and map for the City;
  - (3) To prepare and recommend for adoption regulations for the subdivisions of land within the City limits to administer the regulations that may be adopted; and
  - (4) To prepare and recommend for adoption a plat 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.
- (h) *Meetings.* The meetings of the Municipal Planning Commission shall be held once a month as determined by the Planning and Development Director, provided that notification of such is given to the members of the commission by the Director of Planning and Development. Meeting dates shall be available online and in person at the Planning and Development Department. All meetings shall be held in accordance with the Open Meetings Act, O.C.G.A. § 50-14-1 et seq.
- (i) *Quorum.* For the purpose of transacting business, a quorum of the Municipal Planning Commission shall be deemed to be three of the five members.
- (j) *City appointment to Municipal-County Planning Commission.*
  - (1) There is hereby determined and declared to be a present and future need for the City to participate in the Municipal-County Planning Commission established under the Code of Gwinnett County, Georgia.

- (2) There is hereby created and activated in the City a position titled "Representative of the City of Lawrenceville to the Municipal-County Planning Commission."
- (3) The appointed representative for the City shall be the Director of Planning and Development.
- (4) The Board of Commissioners of Gwinnett County shall have the power to remove the representative appointed under this section for cause, after written charges have been drawn and after a public hearing has been held.
- (5) The representative 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 on any issue which affects property within the City limits.
- (6) The representative shall receive all rights and privileges of this position provided by law and shall be reimbursed for expenses incurred in connection with official duties on behalf of the City while serving on the Municipal-County Planning Commission. Compensation shall be set by the Council.

Section 13:

That subsection (b) of Sec. 2-104, related to findings, is hereby amended by deleting subsection (b) in its entirety and replacing the language to read as follows:

**Sec. 2-104. Findings.**

- (b) A covered account offered to customers for the provision of City services may include gas, sanitation, general billing, and/or electric accounts.

Section 14:

That Sec. 2-106, related to access to covered account information, is hereby amended by deleting Sec. 2-106 in its entirety and replacing the language to read as follows:

**Sec. 2-106. Access to covered account information.**

- (a) Access to customer accounts shall be limited to authorized city personnel based on software privileges managed by the Information Technology Staff.
- (b) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the City Manager and Chief Financial Officer. Software system and user access shall be updated by changing passwords and access to system modules.
- (c) 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 Manager, Chief Financial Officer, and the City Attorney.

Section 15:

That subsection (b) of Sec. 2-107, related to credit card payments, is hereby amended by deleting subsection (b) in its entirety and replacing the language to read as follows:

**Sec. 2-107. Credit card payments.**

- (b) 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 database.

Section 16:

That Sec. 2-109, related to prevention and mitigation of identity theft, is hereby amended by deleting Sec. 2-109 in its entirety and replacing the language to read as follows:

**Sec. 2-109. Prevention and mitigation of identity theft.**

- (a) 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 discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his 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 Chief Financial Officer. If, in his 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 discretion, determine that no further action is necessary. If the supervisor, in his 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 Chief Financial Officer:
- (1) Contact the customer;
  - (2) 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:
    - a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
    - b. Close the account;
  - (3) 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;

- (4) Notify a debt collector within two business days 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;
  - (5) 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
  - (6) Take other appropriate action to prevent or mitigate identity theft.
- (b) 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 to an application for a new account, such employee shall use his discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his 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 Chief Financial Officer. If, in his 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 discretion, determine that no further action is necessary. If the supervisor, in his 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 Chief Financial Officer:
- (1) Request additional identifying information from the applicant;
  - (2) Deny the application for the new account;
  - (3) Notify law enforcement of possible identity theft; or
  - (4) Take other appropriate action to prevent or mitigate identity theft.

Section 17:

That Sec. 2-110, related to updating the program, is hereby amended by deleting Sec. 2-110 in its entirety and replacing the language to read as follows:

**Sec. 2-110. Updating the program.**

The City Manager shall from time to time have reviewed as deemed necessary and 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 Manager shall have considered the following factors and exercise his discretion in amending the program:

- (1) The City's experiences with identity theft;

- (2) Updates in methods of identity theft;
- (3) Updates in customary methods used to detect, prevent, and mitigate identity theft;
- (4) Updates in the types of accounts that the City offers or maintains; and
- (5) Updates in service provider arrangements.

Section 18:

That Sec. 2-111, related to program administration, is hereby amended by deleting Sec. 2-111 in its entirety and replacing the language to read as follows:

**Sec. 2-111. Program administration.**

- (a) The City Manager is responsible for oversight of the program and for program implementation. The Chief Financial Officer 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 Chief Financial Officer, 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.
- (b) The Chief Financial Officer at least annually, in compliance with the red flag requirements will review and address material matters related to the program and evaluate issues such as:
  - (1) 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;
  - (2) Service provider arrangements;
  - (3) Significant incidents involving identity theft and management's response; and
  - (4) Recommendations for material changes to the program.
- (c) The Chief Financial Officer 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 Chief Financial Officer shall exercise his discretion in determining the amount and substance of training necessary.

Section 19:

That Sec. 2-112, related to outside service providers, is hereby amended by deleting Sec. 2-112 in its entirety and replacing the language to read as follows:

**Sec. 2-112. Outside service providers.**

In the event that the City engages a service provider to perform an activity in connection with one or more covered accounts, the Chief Financial Officer shall exercise his discretion in reviewing such arrangements in order to ensure, to the best of his 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.

Section 20:

That Sec. 2-141, related to state income tax withholding, is hereby amended by deleting Sec. 2-141 in its entirety and replacing the language to read as follows:

**Sec. 2-141. State income tax withholding.**

The City will withhold a percent 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. The percentage shall be consistent with Georgia Code 48-7-20.

Section 21:

That Sec. 2-166, related to recognition of beneficial qualities, is hereby amended by deleting Sec. 2-166 in its entirety and replacing the language to read as follows:

**Sec. 2-166. Recognition of beneficial qualities.**

The City recognizes that certain targeted businesses in fields, such as healthcare, advanced manufacturing, and technology bring high level jobs to the City and are especially beneficial to the community.

Section 22:

That Sec. 2-170, related to possible inducements for businesses, is hereby amended by deleting Sec. 2-170 in its entirety and replacing the language to read as follows:

**Sec. 2-170. Possible inducements for businesses.**

The City Council, at the recommendation of City management and economic development staff, shall be authorized to offer inducements to targeted businesses meeting threshold requirements and those inducements may include the following:

- (1) Reduction of development permit fees.
- (2) Reduction of building permit fees.
- (3) Reduction of inspection and re-inspection fees.
- (4) Reduction of application fees for public hearings.

- (5) Reduction of any current or future impact fees.
- (6) Reduction of utilities deposit and/or incremental financing on rates based on forecasted load and/or consumption.
- (7) Acceleration of the plan review and permitting process.
- (8) Reduction in Occupation Tax pursuant to O.C.G.A. 48-13-10(f)

Section 23:

That Sec. 2-171, related to business tier levels and thresholds, is hereby amended by deleting Sec. 2-171 in its entirety and replacing the language to read as follows:

**Sec. 2-171. Business tier levels and thresholds.**

Inducements may be offered to targeted businesses which meet the following threshold levels:

- (1) *Tier 1.* Targeted business adds at least 25 new jobs, and the jobs pay an average salary at least three times the most recently published Federal Poverty Guidelines as calculated and prepared by the Office of Health Planning, Georgia Department of Community Health. For the purpose of this calculation use a Family Size of two for the Federal Poverty Guideline.
- (2) *Tier 2.* Targeted business adds at least 100 new jobs, and the jobs pay an average annual salary of at least three times the most recently published Federal Poverty Guidelines as calculated and prepared by the Office of Health Planning, Georgia Department of Community Health. For the purpose of this calculation use a Family Size of two for the Federal Poverty Guideline.

Section 24:

That Sec. 2-173, related to requirement for targeted business, is hereby amended by deleting Sec. 2-173 in its entirety and replacing the language to read as follows:

**Sec. 2-173. Requirement for targeted business.**

The targeted business must build a new building, purchase an existing building and renovate, or make a lease commitment of at least three years for space within the City.

Section 25:

That subsection (h) of Sec. 2-257, related to informal purchases, is hereby amended by deleting subsection (h) in its entirety and replacing the language to read as follows:

**Sec. 2-257. Informal purchases.**

- (h) *Approval and signing of contracts.* Contracts and agreements required by a purchase of less than \$100,000.00 shall be authorized to be approved and signed by the Purchasing

Manager for values of \$10,000.00 or less and the City Manager for purchases over \$10,000.00. Contracts for purchases over \$100,000.00 require City Council approval prior to signing. All contracts shall be drafted or reviewed by the city attorney and signed by the city attorney to indicate such drafting or review.

Section 26:

That subsection (l) of Sec. 2-258, related to exemptions, is hereby amended by deleting subsection (l) in its entirety and replacing the language to read as follows:

**Sec. 2-258. Exemptions.**

(l) Works of art or other creative/artistic endeavors that require a demonstrated skill or talent to include, but not limited to, artists, musicians, and writers.

Section 27:

That Sec. 2-264, related to standardization, is hereby amended by deleting Sec. 2-264 in its entirety and replacing the language to read as follows:

**Sec. 2-264. Standardization.**

For efficient operations, departments may standardize equipment or supplies. Requests to standardize equipment or supplies shall be submitted to the Purchasing Manager. The requests shall be submitted on the Request to Standardize form created by the Purchasing Manager. The Purchasing Manager shall review the request and document any alternatives not considered. The Request to Standardize Form and Purchasing Manager Review shall be submitted to the Chief Financial Officer to determine the financial impact. The Chief Financial Officer shall submit the Request to Standardize and financial implications to the City Manager for approval. If approved, the standardization shall be reviewed every seven years.

Section 28:

Except as specifically amended as set forth above, all other sections, subsections, sub-subsections, etc. of Chapter 2 shall remain in full force and affect.

Section 29:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 30:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court

of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 31:

This ordinance shall become effective upon its adoption by the City Council.

**IT IS SO ORDAINED** this \_\_\_\_\_ day of May, 2024.

\_\_\_\_\_  
David R. Still, Mayor

Attest:

\_\_\_\_\_  
Karen Pierce, City Clerk