

ARTICLE X. SUCCESSION IN GOVERNMENT

Section 10.01. Rights of officers and employees preserved.

Nothing in this charter, except as specifically provided, shall affect or impair: (1) the rights or privileges of officers or employees of the city; (2) the functions and responsibilities of any office, department, or agency existing at the time this charter takes effect; (3) any provision of law in force at the time this charter takes effect and not inconsistent with the provisions of this charter, in relation to the personnel, appointment, rank, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights, or any other privileges of officers or employees of the city, or any office, department, or agency.

~~Section 10.02. Continuance of present officers.~~

- ~~(a) *Mayor and Councilmen.* The mayor and members of the Council serving at the time this charter takes effect shall serve until the mayor and councilmen provided for in Article II of this charter shall have been elected and qualified.~~
- ~~(b) *Appointive Officers.* All persons holding appointive office by the Council or the city manager at the time this charter takes effect shall continue in office unless relieved of office, or until such office or the duties of said office are abolished or modified.~~

~~Section 10.03. Continuance of present offices, departments and agencies.~~

- ~~(a) *Continuity of Certain Powers and Duties.* Any office, department, or agency provided for in this charter with powers and duties the same or substantially the same as those heretofore existing shall be deemed a continuation of such office, department, or agency and shall have powers to continue any business proceedings or other matters within the scope of the powers and duties prescribed by this charter.~~
- ~~(b) *Transfer of Certain Powers and Duties.* The powers conferred and the duties imposed upon any office, department, or agency of the city by the laws of the state shall, if such office, department or agency be abolished by this charter or under its authority, be thereafter exercised and discharged by the office, department, or agency designated by the Council, unless otherwise provided.~~

~~Section 10.04. Continuance of appointive boards and commissions.~~

~~All appointive boards and commissions presently existing shall continue with such powers and duties as were granted them until such boards and commissions shall be changed or abolished by the Council as heretofore provided in this charter.~~

~~Section 10.05. Transfer of records and property.~~

~~All records, property, and equipment whatsoever of any office, department, or agency, or part thereof, existing when this charter is adopted shall be transferred to the office, department, or agency assuming its powers and duties.~~

~~Section 10.06.~~ Pending matters.

- ~~(a) *Continuance of Contracts.* All contracts entered into by the city, or for its benefit, prior to the time this charter takes effect, shall continue in full force and effect.~~
- ~~(b) *Pending Actions and Proceedings.* The adoption of this charter shall not abate or otherwise affect any action or proceedings, civil or criminal, pending when it takes full effect, brought by or against the city or any office, department, agency, or officer thereof.~~
- ~~(c) *Ordinances to Remain in Force.* All ordinances, resolutions, and regulations of the city in force at the time this charter takes effect, and not inconsistent with the provisions hereof, are hereby ratified and affirmed as if the same had been adopted pursuant to a grant of power under this charter, until the same shall be duly amended or repealed.~~

~~Section 10.07~~10.02. Conformity of charter with state law.

~~The~~ THIS charter ~~herewith submitted is and~~ shall be cumulative of all other laws of the state governing cities of more than three thousand five hundred inhabitants, not in conflict herewith. The enumeration of the powers made in this charter shall never be construed to preclude, by implication or otherwise, the city from doing any and all things not inhibited by the constitution and laws of Arizona.

~~Section 10.08.~~ Inauguration of government under this Charter.

~~If a majority of the qualified electors of the city voting on the issue vote to ratify this Charter, the provisions of this Charter shall go into effect for all purposes immediately upon approval of the Governor of the State of Arizona, as provided by the Constitution of this state.~~

~~Section 10.09~~10.03. Charter amendments.

The ~~C~~harter, or any part or article or section thereof, may be amended in the manner provided by the ~~C~~onstitution of this state. Charter amendments may be initiated by the city council, the initiative procedure, or by a charter commission created by ordinance. All proposed amendments shall be submitted to the qualified electors of the city at a primary, a general, or special election, and, if approved by a majority of the electors voting on the issue, shall be submitted to the governor of the state for his approval.

~~Section 10.10~~10.04. Separability.

If any provision of this ~~C~~harter ~~be~~ IS held invalid, the other provisions of the ~~C~~harter shall not be affected thereby. If the application of the ~~C~~harter or any of its provisions to any person or circumstance ~~be~~ IS held invalid, the application of the ~~C~~harter and its provisions to other persons or circumstances shall not be affected thereby.

Section ~~10.11~~10.05. Gender.

Whenever the context of this instrument or CHARTER requires, words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular, the word person includes a corporation, company, partnership or association, or society as well as a natural person. Wherever the context of this instrument uses the term councilman, it shall mean "councilmember" and wherever it uses the term councilmen, it shall mean "councilmembers."