ARTICLE XI. TRANSITION/SEPARABILITY PROVISION

Sec. 11.01. Officers and Employees.

(a) *Rights and Privileges Preserved.* Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

(b) *Continuance of Office or Employment.* Except as specifically provided by this charter, if at the time this charter takes full effect a City administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.

Sec. 11.02. Departments, Offices and Agencies.

(a) *Transfer of Powers.* If a City department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this charter or, if the charter makes no provision, designated by the city council.

(b) *Property and Records.* All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one (1) or more departments, offices or agencies designated by the city council in accordance with this charter.

Sec. 11.03. Pending Matters.

All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this charter.

Sec. 11.04. State and Municipal Laws.

All City ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective shall remain in effect, provided, any ordinances are repealed to the extent that they are inconsistent with this charter.

ARTICLE XI. TRANSITION/SEPARABILITY PROVISION

Sec. 11.05. Schedule.

(a) *Effective Date.* This charter shall take effect for all purposes, including but not limited to legislative, administrative, fiscal, budgetary, and regulatory powers and actions of the City, immediately upon certification of an election at which the registered electors of the City approve its adoption, except that the city council shall act with previously elected city councilmembers as its councilmembers, who shall continue to serve to the end of their existing terms as stated herein.

(b) *First Election.* At the time of its adoption, this charter shall be in effect to the extent necessary in order that as present terms end, the position may be filled in accordance with the provisions of this charter.

(c) *First Council Meeting With Elected Mayor.* On the first or third Monday of the month, whichever comes first, following the first election of any city councilmembers or the mayor under this charter, the council including as its members city councilmembers, with unexpired terms shall meet at 7:30 p.m. at city council chambers in the City of Montague, City Hall:

   (1) For the purpose of electing the mayor pro-tem, appointing or considering the appointment of a city manager or acting city manager, and choosing, if it so desires, one (1) of its members to act as temporary clerk pending appointment of a city clerk pursuant to section 3.04 and section 4.02; and

   (2) For the purpose of adopting ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective City government during that transition.

(d) *Temporary Ordinances.* In adopting ordinances as provided in section 11.05(c), the city council shall follow the procedures prescribed in Article II, except that at its first meeting or any meeting held within sixty (60) days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective City government.

Every temporary ordinance shall be plainly labelled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon publication or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, renewed or otherwise continued except by adoption in the manner prescribed in Article II for ordinances of the kind concerned. Temporary ordinances shall be published as required in section 2.12(d).

Sec. 11.06. Separability.

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