

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Warner Robins; to provide for incorporation,
2 boundaries, and powers of the city; to provide for a governing authority of such city and the
3 powers, duties, authority, election, terms, removal, method of filling vacancies,
4 compensation, expenses, qualifications, prohibitions, and conflicts of interest regarding
5 members of such governing authority; to provide for general powers of the city council; to
6 provide for inquiries and investigations; to provide for the office of mayor and certain duties
7 and powers relative to such office; to provide for the office of city administrator and certain
8 duties and powers relative to such office; to provide for the exercise of eminent domain; to
9 provide for organization and procedures; to provide for regular and special meetings; to
10 provide for rules of procedure; to provide for ordinances; to provide for codes of technical
11 regulations; to provide for authentication and codification of such codes; to prohibit city
12 council interference with administration; to provide for a mayor pro tem; to provide for city
13 departments; to provide for boards, commissions, and authorities; to provide for a city
14 attorney; to provide for a city clerk; to provide for classification and pay plans for
15 employees; to provide for a municipal court and the judge or judges of such court; to provide
16 for the jurisdiction, powers, and convening of the municipal court; to provide for certiorari;
17 to provide for rules of court; to provide for taxation, licenses, fees, service charges, and
18 special assessments; to provide for collection of delinquent taxes, fees, and water bills; to
19 provide for bonded and other indebtedness; to provide for revenue bonds and their refunding;
20 to provide for financial policies; to provide for accounting, auditing, and budgeting; to
21 provide for contracts and purchases; to provide for disposition of property; to provide for
22 bonds for officials; to provide for prior ordinances, existing personnel and officers, and
23 pending matters; to provide for construction and severability; to provide for related matters;
24 to provide a specific repealer; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
 INCORPORATION AND POWERS

SECTION 1.10.

Name.

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

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Warner Robins, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The city shall have and be authorized to exercise all redevelopment and other powers authorized or granted municipalities pursuant to the "Redevelopment Powers Law," as now or hereafter amended, provided for by Chapter 44 of Title 36 of the O.C.G.A. These powers shall include, without being limited to, all redevelopment powers, the power to issue tax allocation bonds and incur other obligations without such bonds or obligations constituting debt within the meaning of Article IX, Section V of the Constitution, and the power to enter

58 into contracts with private persons, firms, corporations, and business entities for the period
 59 specified in the "Redevelopment Powers Law."

60 (c) The powers of this city shall be construed liberally in favor of the city. The specific
 61 mention or failure to mention particular powers shall not be construed as limiting in any way
 62 the powers of this city.

63 **SECTION 1.13.**

64 Additional powers.

65 The city may acquire, construct, and maintain, by condemnation or otherwise, inside or
 66 outside the city limits, public ways, parks, public grounds, cemeteries, markets, market
 67 houses, public buildings, libraries, sewers, drains, sewage treatment or waterworks systems,
 68 electrical or gas systems, airports, hospitals, and charitable, educational, flood control,
 69 recreational, sport, curative, corrective, detention, penal, and medical institutions, areas, and
 70 facilities, and any other public improvements. The city, by ordinance, may establish and
 71 enforce rules and regulations necessary to preserve order, peace, and dignity on any property
 72 or facilities so acquired.

73 **SECTION 1.14.**

74 Exercise of powers.

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

79 **ARTICLE II**

80 **GOVERNMENT STRUCTURE**

81 **SECTION 2.10.**

82 City council creation; number; election.

83 (a) The legislative authority of the government of this city, except as otherwise specifically
 84 provided in this charter, shall be vested in a city council to be composed of a mayor and six
 85 councilmembers. The city council established shall in all respects be a successor to and
 86 continuation of the governing authority under prior law. The mayor and councilmembers
 87 shall be elected in the manner provided by general law and this charter. The terms "city

88 council" and "council" contained herein shall be deemed to include the mayor unless
89 provided otherwise.

90 (b) The council shall be composed of the mayor, two members elected by the voters of the
91 city at large, and one member from each of four council districts elected by the voters of
92 those districts, as provided in Article V of this charter.

93 **SECTION 2.11.**

94 City council terms and qualifications for office.

95 (a) The mayor and members of the city council shall serve for terms of four years and until
96 their respective successors are elected and qualified.

97 (b) No person shall be eligible to serve as mayor or councilmember unless that person shall
98 have attained the age of 23 in the case of the mayor or the age of 21 in the case of a
99 councilmember and shall have been a resident of the city for 12 months prior to the date of
100 election of the mayor or members of the council; each shall continue to reside therein during
101 that member's period of service and to be registered and qualified to vote in municipal
102 elections of this city.

103 **SECTION 2.12.**

104 City council terms and qualifications for office continued.

105 In addition to the above requirements, no person shall be eligible to serve as a
106 councilmember representing a council district unless that person has been a resident of the
107 district such person seeks to represent for a continuous period of at least six months
108 immediately prior to the date of the election for councilmember and continues to reside in
109 such district during that person's period of service.

110 **SECTION 2.13.**

111 General power and authority of the city council.

112 (a) Except as otherwise provided by law or this charter, the city council shall be vested with
113 all the powers of government of this city.

114 (b) In addition to all other powers conferred upon it by law, the council shall have the
115 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
116 regulations, not inconsistent with this charter and the Constitution and the laws of the State
117 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
118 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,

119 or well-being of the inhabitants of the City of Warner Robins and may enforce such
120 ordinances by imposing penalties for violations thereof.

121 **SECTION 2.14.**

122 Vacancy; filling of vacancies.

123 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
124 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of
125 the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may
126 hereafter be enacted.

127 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
128 the unexpired term, if any, by appointment by the city council or those members remaining
129 if less than 12 months remains in the unexpired term. If such vacancy occurs 12 months or
130 more prior to the expiration of the term of that office, it shall be filled for the remainder of
131 the unexpired term by a special election, as provided for in Section 5.14 of this charter and
132 in accordance with Titles 21 and 45 of the O.C.G.A., or such other laws as are or may
133 hereafter be enacted.

134 (c) This section shall also apply to a temporary vacancy created by the suspension from
135 office of the mayor or any councilmember.

136 **SECTION 2.15.**

137 Compensation and expenses.

138 The mayor and councilmembers shall receive compensation and expenses for their services
139 as provided by ordinance.

140 **SECTION 2.16.**

141 Conflicts of interest; holding other offices.

142 (a) Elected and appointed officers of the city are trustees and servants of the residents of the
143 city and shall act in a fiduciary capacity for the benefit of such residents.

144 (b) No elected official, appointed officer, or employee of the city or any agency or political
145 entity to which this charter applies shall knowingly:

146 (1) Engage in any business or transaction, or have a financial or other personal interest,
147 direct or indirect, which is incompatible with the proper discharge of that person's official

- 148 duties or which would tend to impair the independence of the official's judgment or action
 149 in the performance of those official duties;
- 150 (2) Engage in or accept private employment or render services for private interests when
 151 such employment or service is incompatible with the proper discharge of that person's
 152 official duties or would tend to impair the independence of the official's judgment or
 153 action in the performance of those official duties;
- 154 (3) Disclose confidential information, including information obtained at meetings which
 155 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
 156 government, or affairs of the governmental body by which the official is engaged without
 157 proper legal authorization; or use such information to advance the financial or other
 158 private interest of the official or others;
- 159 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
 160 from any person, firm or corporation which to the official's knowledge is interested,
 161 directly or indirectly, in any manner whatsoever, in business dealings with the
 162 governmental body by which the official is engaged; provided, however, that an elected
 163 official who is a candidate for public office may accept campaign contributions and
 164 services in connection with any such campaign;
- 165 (5) Represent other private interests in any action or proceeding against this city or any
 166 portion of its government; or
- 167 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
 168 any business or entity in which the official has a financial interest.
- 169 (c) Any elected official, appointed officer, or employee who shall have any financial
 170 interest, directly or indirectly, in any contract or matter pending before or within any
 171 department of the city shall disclose such interest to the city council. The mayor or any
 172 councilmember who has a financial interest in any matter pending before the city council
 173 shall disclose such interest and such disclosure shall be entered on the records of the city
 174 council, and that official shall disqualify himself or herself from participating in any decision
 175 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
 176 or political entity to which this charter applies who shall have any financial interest, directly
 177 or indirectly, in any contract or matter pending before or within such entity shall disclose
 178 such interest to the governing body of such agency or entity.
- 179 (d) No elected official, appointed officer, or employee of the city or any agency or entity to
 180 which this charter applies shall use property owned by such governmental entity for personal
 181 benefit or profit but shall use such property only in their capacity as an officer or employee
 182 of the city.

183 (e) Any violation of this section which occurs with the knowledge, express or implied, of
184 a party to a contract or sale shall render said contract or sale voidable at the option of the city
185 council.

186 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
187 any other elective or appointive office in the city or otherwise be employed by said
188 government or any agency thereof during the term for which that official was elected. No
189 former mayor and no former councilmember shall hold any appointive office in the city until
190 one year after the expiration of the term for which that official was elected.

191 (g) No appointed officer of the city shall continue in such employment upon qualifying as
192 a candidate for nomination or election to any public office. No employee of the city shall
193 continue in such employment upon qualifying for or election to any public office in this city
194 or any other public office which is inconsistent, incompatible, or in conflict with the duties
195 of the city employee. Such determination shall be made by the mayor and council either
196 immediately upon election or at any time such conflict may arise.

197 (h)(1) Any city officer or employee who knowingly conceals such financial interest or
198 knowingly violates any of the requirements of this section shall be guilty of malfeasance
199 in office or position and shall be deemed to have forfeited that person's office or position.

200 (2) Any officer or employee of the city who shall forfeit an office or position as
201 described in paragraph (1) of this subsection shall be ineligible for appointment or
202 election to or employment in a position in the city government for a period of three years
203 thereafter.

204 **SECTION 2.17.**

205 **Inquiries and investigations.**

206 Following the adoption of an authorizing resolution, the city council may make inquiries and
207 investigations into the affairs of the city and the conduct of any department, office, or agency
208 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
209 require the production of evidence. Any person who fails or refuses to obey a lawful order
210 issued in the exercise of these powers by the city council shall be punished as provided by
211 ordinance.

SECTION 2.18.

Mayor.

(a) The mayor shall:

(1) Preside at all meetings of the city council but shall not vote unless the council is equally divided, in which event the mayor shall vote and that vote shall be counted the same as the vote of any other member of the council;

(2) Have the authority to create or abolish city council committees and appoint members and chairs of all committees;

(3) Be recognized as the official head of the city by state, federal, and other authorities for military and ceremonial functions;

(4) Veto, approve, or fail to approve ordinances and resolutions of the city council as provided in subsection (b) of this section;

(5) Be the chief executive officer of the city with authority and responsibility to implement the actions of the city council and generally to supervise, direct, control, and provide for the administration of the affairs of the city;

(6) Appoint and remove department directors and the city clerk, subject to confirmation by the city council and consistent with any personnel policies adopted by the council, except the city attorney, municipal court judge or judges, all of whom shall be appointed and removed by the city council;

(7) See that all laws and ordinances of the city are enforced;

(8) Exercise supervision and control over all departments of the city;

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

(10) Keep the city council fully advised as to the financial condition and needs of said city;

(11) Supervise and direct the official conduct of all city officers and department directors appointed by the mayor; and

(12) Provide for the salaries or compensation of all city officers and employees, subject to confirmation by the city council and consistent with any personnel policies adopted by the city council.

(b) Every official act of the city council having the force and effect of law shall be by ordinance or resolution. Any such ordinance or resolution adopted or approved by the city council shall be submitted to the mayor within two calendar days following its adoption or approval. The mayor shall approve or veto the ordinance or resolution within eight calendar days after adoption or approval, and no ordinance or resolution shall become effective without the mayor's approval except as provided in this subsection. If the mayor vetoes an ordinance or resolution, the mayor shall within two business days of such veto return it to the

248 city council accompanied by a written statement of the reasons for that veto. If the city
 249 council shall pass the ordinance or resolution by a vote of five of its members at the meeting
 250 next held after the ordinance or resolution has been returned with the mayor's veto, it shall
 251 become law without the mayor's approval. In the event the mayor does not approve or veto
 252 the ordinance or resolution within the time required, it shall become law without the mayor's
 253 approval. The mayor may veto any item or items of any ordinance or resolution making
 254 appropriations; the part or parts of any ordinance or resolution making an appropriation not
 255 vetoed shall become law, and the part or parts vetoed shall not become law unless passed by
 256 the city council over the mayor's veto as provided in this subsection with respect to the
 257 passage of a vetoed ordinance or resolution.

258 (c)(1) The mayor shall be the chief purchasing agent for the city, by whom all purchases
 259 or supplies and all contracts therefor shall be made. He or she shall sign checks and all
 260 vouchers for the payment of the same under such rules and regulations as the city council
 261 may adopt, not inconsistent with this subsection. The city council shall adopt rules for
 262 regulating purchases made by the city, and the mayor shall be governed thereby. In no
 263 event shall the mayor be authorized to spend in excess of \$10,000.00 for the purchase of
 264 any item for use by the city without the prior consent of a majority of the duly qualified
 265 members of the council.

266 (2) The mayor is further vested with the authority to sign all payroll checks for the
 267 employees of the city.

268 (d) Except for purposes of inquiry, members of the city council other than the mayor shall
 269 deal with the city's employees solely through the mayor and shall not give orders or
 270 directives to any such employees, either publicly or privately, except in emergency situations
 271 or in the absence of the mayor or the mayor pro tem acting on behalf of the mayor as
 272 provided in this charter.

273 **SECTION 2.19.**

274 City administrator.

275 (a) The office of city administrator is hereby created.

276 (b) The city administrator shall be appointed by the mayor and confirmed by majority vote
 277 of the city council.

278 (c)(1) The city administrator may be removed by:

279 (A) The mayor; or

280 (B) A unanimous vote of the members of the city council other than the mayor.

281 (2) In the event that the city administrator is removed pursuant to subparagraph (A) of
 282 paragraph (1) of this subsection, the city council by a two-thirds' vote may override such

283 removal; provided, however, that this paragraph shall not apply to any removal of the city
284 administrator that occurs during the first six months of a mayor's term of office.

285 (d) The city administrator shall function as the administrative officer of the city. He or she
286 shall be responsible to the city council for the proper administration of the affairs of the city
287 and may head one or more city departments. To that end, the city administrator shall have
288 the power and shall be required to:

289 (1) Appoint and, when necessary for the good of the city, suspend or remove any
290 employee of the city under his or her supervision except department heads and as
291 otherwise provided hereinafter or by this charter or state law. He or she may authorize the
292 head of a department or office under his or her supervision to appoint, suspend, or
293 remove subordinates in that department or office;

294 (2) Submit, whenever it is necessary to fill vacancies in department heads that are under
295 the supervision of the city administrator, a recommendation of the qualified individual
296 to fill the position for approval by city council. The city administrator may recommend
297 the removal or suspension of any such department head when it would be in the best
298 interest of the city, and the governing body shall give full weight to the city
299 administrator's recommendations. All recommendations for appointment or removal shall
300 be based solely on the merit, qualifications, or disqualifications of the official concerned,
301 without regard to his or her political beliefs or affiliations;

302 (3) Prepare the budget annually for submission by the mayor to the city council, together
303 with a message describing the important features, and be responsible for its
304 administration after adoption;

305 (4) Prepare and submit to the city council as of the end of the fiscal year, a complete
306 report on the finances and administrative activities of the city for the preceding year;

307 (5) Keep the council advised of the financial conditions and future needs of the city and
308 make such recommendations as he or she may deem desirable;

309 (6) Recommend to the city council a standard schedule of pay for all employees in the
310 city's service, including minimum, intermediate, and maximum rates, and administer the
311 city's personnel program;

312 (7) Recommend to the city council from time to time adoption of such measures as he
313 or she may deem necessary and expedient for the health, safety, or welfare of the
314 community;

315 (8) Consolidate or combine departments with the approval of the city council;

316 (9) Attend all meetings of the city council and other official meetings, unless excused
317 therefrom, and take part in the discussion of all matters coming before the council. He or
318 she shall receive notice of all regular and special meetings of the city council and of any
319 meetings of committees of the council;

- 320 (10) Assist the mayor in the purchase of all materials and equipment for which funds are
321 provided in the budget and the letting of contracts;
- 322 (11) Assist the mayor and the council in seeing that all laws and ordinances are duly
323 enforced;
- 324 (12) Devote his or her entire time, except as approved by the mayor and the council, to
325 the discharge of his or her official duties;
- 326 (13) Assign job priorities and work schedules as necessary within the administrative
327 service in accordance with policy established by the mayor and the council and otherwise
328 direct the day-to-day work routine; and
- 329 (14) Perform such other duties as may be required by the council, not inconsistent with
330 this charter, state laws, or city ordinances;
- 331 (e) The city administrator shall have no authority to bind the city unless specifically
332 authorized to do so. Such authorization includes the power to sign contracts in the absence
333 of the mayor and mayor pro tem where time is of the essence.
- 334 (f) The city administrator shall not attend meetings as an official delegate of the city unless
335 specifically authorized to do so by the mayor or council.
- 336 (g) The city administrator shall be responsible for the day-to-day operations of city services
337 under his or her supervision according to the policy determinations of the mayor and council.
338 To facilitate the desired high level of municipal service, members of the city council shall
339 not exert improper pressure upon the city administrator to hire or fire any specific person,
340 and such decisions shall be based entirely upon merit.
- 341 (h) In case of accident, disaster, or other circumstances creating a public emergency, the city
342 administrator may award contracts and make purchases for the purpose of meeting said
343 emergency; however, he or she shall file promptly with the council a certificate showing such
344 emergency and the necessity for such action, together with an itemized account of all
345 expenditures. The mayor and the city attorney shall be consulted, if possible, before any such
346 purchase is made.
- 347 (i) The city administrator shall upon request furnish a surety bond, to be approved by the
348 council, said bond to be conditioned on the faithful performance of his or her duties. The
349 premium of the bond shall be paid by the city. The amount of the bond shall be as set by the
350 city council.
- 351 (j) The city administrator shall receive such compensation as the council shall fix from time
352 to time.

SECTION 2.20.

Eminent domain.

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

SECTION 2.21.

Organizational meetings.

The city council shall hold an organizational meeting on the first Monday in January, unless said day is New Year's Day, in which event the organizational meeting shall be held on the first Tuesday in January. The meeting shall be called to order by the mayor or mayor-elect and the oath of office shall be administered to the newly elected members by a judge of the Houston County Superior Court and shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear or affirm that I will faithfully perform the duties of (mayor)(councilmember) of the City of Warner Robins and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident [of my district and] the City of Warner Robins for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Warner Robins to the best of my ability without fear, favor, affection, reward, or expectation thereof."

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SECTION 2.22.

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Regular and special meetings.

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(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

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(b) Special meetings of the city council may be held on call of the mayor or four members of the city council. Notice of such special meetings shall be served on all other members personally or by telephone at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence.

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(c) All meetings of the city council shall be public to the extent required by law, and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

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SECTION 2.23.

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Rules of procedure.

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(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

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(b) All committees and committee chairs and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

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SECTION 2.24.

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Quorum; voting.

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Four councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal.

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SECTION 2.25.

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Ordinance form; procedures.

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(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Warner Robins" and every ordinance shall so begin.

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(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

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SECTION 2.26.

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Codes of technical regulations.

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(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally, except that:

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(1) The requirements of subsection (b) of Section 2.25 for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

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(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk.

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(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for inspection by the public.

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SECTION 2.27.

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Signing; authenticating; recording; codification; printing.

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

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(b) The city council shall provide for the preparation of a general codification of all ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations

446 as the city council may specify. This compilation shall be known and cited officially as "The
447 Code of the City of Warner Robins, Georgia." Copies of the code shall be furnished to all
448 officers, departments, and agencies of the city and made available for purchase by the public
449 at a reasonable price as fixed by the city council.

450 (c) The city council shall cause each ordinance and each amendment to this charter to be
451 printed promptly following its adoption, and the printed ordinances and charter amendments
452 shall be made available for purchase by the public at reasonable prices to be fixed by the city
453 council. Following publication of the first code under this charter and at all times thereafter,
454 the ordinances and charter amendments shall be printed in substantially the same style as the
455 code currently in effect and shall be suitable in form for incorporation therein. The city
456 council shall make such further arrangements as deemed desirable for reproduction and
457 distribution of any current changes in or additions to codes of technical regulations and other
458 rules and regulations included in the code.

459 **SECTION 2.28.**

460 Council interference with administration.

461 Except for the purpose of inquiries and investigations under Section 2.17, the city council or
462 its members shall deal with city officers and employees who are subject to the direction and
463 supervision of the city administrator solely through the mayor, and neither the city council
464 nor its members shall give orders to any such officer or employee, either publicly or
465 privately.

466 **SECTION 2.29.**

467 Position of mayor pro tem.

468 During the absence or physical or mental disability of the mayor for any cause, the mayor
469 pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the
470 councilmembers chosen by a majority vote of the city council, shall be clothed with all the
471 rights and privileges of the mayor and shall perform the duties of the office of the mayor so
472 long as such absence or disability shall continue. Any such absence or disability shall be
473 declared by majority vote of all councilmembers. The mayor pro tem or selected
474 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
475 financial interest as provided by this charter or state law. When acting as mayor, the mayor
476 pro tem shall continue to have only one vote as a member of the council.

SECTION 2.30.

Chief executive officer.

The mayor shall be the chief executive of this city. The mayor shall possess all of the executive and administrative powers granted to the city under the Constitution and laws of the State of Georgia and all the executive and administrative powers contained in this charter.

ARTICLE III**ADMINISTRATIVE AFFAIRS****SECTION 3.10.**

City departments.

(a) Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the functions or duties of and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of this city.

(b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance or resolution.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointed officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointed officers and directors shall be at-will employees and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance.

SECTION 3.11.

Boards, commissions, and authorities.

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

509 (b) All members of boards, commissions, and authorities of the city shall be appointed by
510 the city council for such terms of office and in such manner as shall be provided by
511 ordinance, except where other appointing authority, terms of office, or manner of
512 appointment is prescribed by this charter or by law.

513 (c) The city council, by ordinance, may provide for the compensation and reimbursement
514 for actual and necessary expenses of the members of any board, commission, or authority.

515 (d) Except as otherwise provided by charter or by law, no member of any board,
516 commission, or authority shall hold any elective office in the city.

517 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
518 unexpired term in the manner prescribed herein for original appointment, except as otherwise
519 provided by this charter or by law.

520 (f) No member of a board, commission, or authority shall assume office until that person has
521 executed and filed with the clerk of the city an oath obligating himself or herself to faithfully
522 and impartially perform the duties of that member's office, such oath to be prescribed by
523 ordinance and administered by the mayor.

524 (g) All board members serve at-will and may be removed at any time by majority vote of the
525 city council unless otherwise provided by law.

526 (h) Except as otherwise provided by this charter or by law, each board, commission, or
527 authority of the city shall elect from its membership a chair and vice-chair and may elect as
528 its secretary one of its own members or may appoint as secretary an employee of the city.
529 Each board, commission, or authority of the city government may establish such bylaws,
530 rules, and regulations, not inconsistent with this charter, ordinances of the city, or state law,
531 as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its
532 affairs. Copies of such bylaws, rules, and regulations shall be filed with the city clerk.

533 **SECTION 3.12.**

534 City attorney.

535 The mayor and council shall appoint a city attorney, together with such assistant city
536 attorneys as may be authorized, and shall provide for the payment of such attorney or
537 attorneys for services rendered to the city. The city attorney shall be responsible for
538 providing for the representation and defense of the city in all litigation in which the city is
539 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
540 the council as directed; shall advise the city council, mayor, and other officers and employees
541 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
542 as may be required by virtue of the person's position as city attorney.

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SECTION 3.13.

City clerk.

The mayor shall appoint a city clerk. The city clerk shall be custodian of the official city seal and city records, shall maintain city council records required by this charter, and shall perform such other duties as may be required by the city council.

SECTION 3.14.

Position classification and pay plans.

The mayor shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

ARTICLE IV

JUDICIAL BRANCH

SECTION 4.10.

Creation; name.

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

SECTION 4.11.

Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by ordinance.

(d) Judges may be removed from office as provided by general law.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's

574 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
 575 the city council journal required in Section 2.20.

576 **SECTION 4.12.**

577 Convening.

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

579 **SECTION 4.13.**

580 Jurisdiction; powers.

581 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
 582 this charter, city ordinances, and such other violations as provided by law.

583 (b) The municipal court shall have authority to punish those in its presence for contempt,
 584 provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail.

585 (c) The municipal court may fix punishment for offenses within its jurisdiction not
 586 exceeding a fine of \$1,000.00, imprisonment for 180 days, or both. The municipal court may
 587 also fix punishment by alternative sentencing as now or hereafter provided by law.

588 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
 589 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and
 590 caretaking of prisoners bound over to superior courts for violations of state law.

591 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 592 the presence of those charged with violations before said court and shall have discretionary
 593 authority to accept cash or personal or real property as surety for the appearance of persons
 594 charged with violations. Whenever any person shall give bail for that person's appearance
 595 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
 596 presiding at such time and an execution issued thereon by serving the defendant and the
 597 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
 598 event that cash or property is accepted in lieu of bond for security for the appearance of a
 599 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
 600 the cash so deposited shall be on order of the judge declared forfeited to the city or the
 601 property so deposited shall have a lien against it for the value forfeited which lien shall be
 602 enforceable in the same manner and to the same extent as a lien for city property taxes.

603 (f) The municipal court shall have the same authority as superior courts to compel the
 604 production of evidence in the possession of any party; to enforce obedience to its orders,
 605 judgments, and sentences; and to administer such oaths as are necessary.

606 (g) The municipal court may compel the presence of all parties necessary to a proper
 607 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
 608 served as executed by any officer as authorized by this charter or by law.

609 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
 610 persons charged with offenses against any ordinance of the city, and each judge of the
 611 municipal court shall have the same authority as a magistrate of the state to issue warrants
 612 for offenses against state laws committed within the city.

613 **SECTION 4.14.**

614 Certiorari.

615 The right of certiorari from the decision and judgment of the municipal court shall exist in
 616 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 617 the sanction of a judge of a superior court under the laws of the State of Georgia regulating
 618 the granting and issuance of writs of certiorari.

619 **SECTION 4.15.**

620 Rules for court.

621 With the approval of the city council, the judge shall have full power and authority to make
 622 reasonable rules and regulations necessary and proper to secure the efficient and successful
 623 administration of the municipal court; provided, however, that the city council may adopt in
 624 part or in toto the rules and regulations applicable to municipal courts. The rules and
 625 regulations made or adopted shall be filed with the city clerk, shall be available for public
 626 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
 627 proceedings at least 48 hours prior to said proceedings.

628 **ARTICLE V**

629 **ELECTIONS**

630 **SECTION 5.10.**

631 Applicability of general law.

632 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
 633 Title 21 of the O.C.G.A., the "Georgia Election Code" as now or hereafter amended.

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SECTION 5.11.

635

Election of the city council and mayor.

636

(a) There shall be a municipal general election to be held biennially on the Tuesday next following the first Monday in November in odd-numbered years.

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(b) There shall be elected the mayor and city council posts 1, 3, and 5 at the municipal general election in 2021 and quadrennially thereafter. City council posts 2, 4, and 6 shall be elected at the municipal general election in 2023 and quadrennially thereafter. Terms shall be for four years. Posts 1 and 2 shall be the at-large councilmembers, posts 3 through 6 shall be the district councilmembers.

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SECTION 5.12.

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Nonpartisan elections.

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

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SECTION 5.13.

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Special elections; vacancies.

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In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.14 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, that if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with the Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

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SECTION 5.14.

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Other provisions.

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Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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661 **SECTION 5.15.**

662 Removal of officers.

663 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
664 be removed from office for any one or more of the causes provided in Title 45 of the
665 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

666 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
667 by an order of the Superior Court of Houston County following a hearing on a complaint
668 seeking such removal brought by any resident of the City of Warner Robins.

669 **ARTICLE VI**

670 **FINANCE**

671 **PART 1**

672 **TAXATION AND OTHER REVENUE**

673 **SECTION 6.10.**

674 Property tax.

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

681 **SECTION 6.11.**

682 Millage rate; due dates; payment methods.

683 (a) The mayor and council shall, by ordinance, establish a millage rate for municipal ad
684 valorem taxes and a due date; and in what length of time these taxes must be paid.

685 (b) The mayor and council, by ordinance, may provide for the payment of these taxes by
686 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior
687 to the due date and provide for interest on late installments.

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SECTION 6.12.

689

Occupation and business taxes.

690

The mayor and council, by ordinance, shall have the power to levy any occupation or business taxes as are authorized by state law. These taxes may be levied on individuals, partnerships, and corporations who transact business in the city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to the city to be so taxed. These taxes may be levied and imposed on a fixed rate or gross receipts basis or any combination thereof. The mayor and council may classify businesses, occupations, professions, or callings for the purpose of these taxes in any manner as is reasonable, and payment of these taxes may be compelled as provided in this charter or by ordinance.

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SECTION 6.13.

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Licenses; permits; fees.

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The mayor and council, by ordinance, shall have the power to require any individuals, partnerships, or corporations who transact business in the city or who practice or offer to practice any profession or calling therein to obtain a license or permit for these activities from the city and to pay a reasonable fee for the license or permit where the activities are not now regulated by state law in such a way as to preclude city regulation. These fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided by this charter or by ordinance. The mayor and council, by ordinance, may establish reasonable requirements for obtaining or keeping licenses as the public health, safety, and welfare necessitates, including but not limited to denial or revocation for any violation of federal or state law or city ordinances involving the operation of the licensed business.

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SECTION 6.14.

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Service charges.

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The mayor and council, by ordinance, shall have the power to assess and collect fees, charges, and tolls for water, sewer, sanitary, and health services or for any other services rendered within or without the corporate limits of the city. If unpaid, these charges or fees shall be collected as provided in this charter or by ordinance.

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SECTION 6.15.

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Special assessment.

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

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SECTION 6.16.

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Interpretation; other taxes.

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

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SECTION 6.17.

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Collection of delinquent taxes and fees.

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The mayor and council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under this charter or general state law by whatever reasonable means as are not precluded by general state law. This shall include providing for the dates when the taxes, fees, or other revenues are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes, fees, and other revenues personal debts of the persons required to pay the taxes, fees, or other revenues imposed; revoking city licenses for failure to pay city taxes, fees, or other revenues; allowing exceptions for hardship; providing for the assignment or transfer of executions and collection of transferred executions; and providing for the billing and collecting of principal, interest, and costs of delinquent executions as an addition to and a part of the annual ad valorem tax bill.

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SECTION 6.18.

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Collection of delinquent water bills.

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(a) The mayor and council may enforce the collection of delinquent rents and charges for products and services, such as water, sewerage, and sanitation services, by execution to be issued by the city clerk against the owners of the premises and such other persons as may be

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749 liable therefor, when such rents and charges are due and remain unpaid for a period of 20
 750 days. The said execution shall become a lien upon the premises when recorded in the general
 751 execution docket of Houston County, Georgia, and shall be collected as a lien for city taxes.
 752 (b) The mayor may, at his or her discretion, cause the sales or services to present or
 753 subsequent owners to be discontinued until the unpaid rents or charges are paid, or take other
 754 steps deemed necessary to collect the delinquent rents or charges.

755 **PART 2**

756 **BORROWING AND INDEBTEDNESS**

757 **SECTION 6.20.**

758 **General obligation bonds.**

759 The mayor and council shall have the power to issue bonds for the purpose of raising revenue
 760 to carry out any project, program, or venture authorized under this charter or the general laws
 761 of the state. This bonding authority shall be exercised in accordance with the laws governing
 762 bond issuances by municipalities in effect at the time the issue is undertaken.

763 **SECTION 6.21.**

764 **Determination of millage necessary to retire proposed bonded indebtedness.**

765 At a regular meeting of the city council held at least 15 days and not more than 45 days prior
 766 to any election within the city in which there shall be submitted to the electors of the city the
 767 question of whether the city shall incur additional bonded indebtedness, the mayor and
 768 council shall determine what millage is necessary to retire the bonded indebtedness proposed
 769 to be incurred by the city. Such action of the mayor and council shall be recorded upon the
 770 minutes of the meeting.

771 **SECTION 6.22.**

772 **Revenue bonds.**

773 Revenue bonds may be issued by the mayor and council as general law now or hereafter
 774 provides. These bonds are to be paid out of any revenue produced by the project, program,
 775 or venture for which they were issued.

SECTION 6.23.

Refunding revenue bonds.

(a) The City of Warner Robins, acting through its governing body, may exercise all powers granted to municipalities under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," as amended, and is hereby further authorized to refund any outstanding revenue bonds by the issuance of revenue refunding bonds in an amount not greater than the aggregate of principal and interest to the date of redemption and redemption premiums on the revenue bonds to be refunded. Said revenue refunding bonds may be issued at any time not more than 15 years prior to the date that the refunded bonds are to be retired, either at maturity or pursuant to a call for redemption or both. Pending the retirement of the revenue bonds being refunded, the city shall deposit a sufficient portion of the proceeds of such revenue refunding bonds, together with any other legally available funds, in escrow to pay principal, interest, and redemption premiums on the revenue bonds to be refunded, and some or all money so deposited may be invested in direct obligations of the United States of America or any of its agencies or in obligations guaranteed as to principal and interest by the United States of America. In determining the sufficiency of such deposit, the city may include interest to be received on such investments.

(b) The city shall, upon depositing in escrow the proceeds of any revenue refunding bonds hereunder, enter into an agreement with the bank holding such deposit. Said agreement shall require said bank, among other things, to hold the investments and liquidate the same without further instructions from the city when necessary to pay principal, interest, and redemption premiums on the revenue bonds refunded and may require such bank to publish on behalf of the city one or more notices of redemption of the revenue bonds to be refunded.

(c) The validity of revenue refunding bonds issued hereunder may be determined by proceedings in the Superior Court of Houston County, Georgia. Such proceedings shall be brought and conducted, may be intervened in, may be appealed from in the same manner, and shall have the same effect as is provided in the Revenue Bond Law. If the aforementioned agreement governing the deposit of revenue refunding bond proceeds is attached as an exhibit to the resolution authorizing said revenue refunding bonds, the court upon validation shall determine the validity of said agreement as well as the validity of said revenue refunding bonds.

(d) Such revenue refunding bonds shall constitute investment securities under Title 11 of the O.C.G.A., the "Uniform Commercial Code," but no financing statement nor continuation statement need be filed to protect or perfect the interest of the holders of said revenue refunding bonds in the revenues pledged to their payment. Such revenue refunding bonds may be secured by a pledge of all or any portion of the revenues to be derived from the

812 operation of one or more revenue-producing facilities of the city, after payment of the
813 reasonable and necessary expenses of operation and maintenance, and such revenues need
814 not be limited to revenues pledged to the revenue bonds refunded. Revenue refunding bonds
815 shall not be payable from or charged upon any funds other than the revenues pledged to the
816 payment thereof, nor shall the city be subject to any pecuniary liability thereon. No holder
817 or holders of any such revenue refunding bonds shall ever have the right to compel any
818 exercise of the taxing power of the city to pay any such revenue refunding bonds or the
819 interest thereof, nor to enforce payment thereof against any property of the city; nor shall any
820 such bonds constitute a lien upon any property of the city. Each bond issued under this
821 section shall contain a recital setting forth the substance of this subsection.

822 (e) Revenue refunding bonds issued hereunder or the resolution providing for their issuance
823 may contain such provisions for the security of said revenue refunding bonds as the
824 governing body may determine, including such covenants and rights to a receiver upon
825 default as are provided for in the Revenue Bond Law, and may be issued in one or more
826 series; may be sold in such manner; may bear such date or dates; may mature at such time
827 or times not exceeding 40 years from their respective dates; may bear interest at such rate or
828 rates not exceeding 9 percent per annum and payable at such time or times; may be payable
829 in such medium of payment at such place or places; may be in such denomination or
830 denominations; may be in such form either coupon or registered; may carry such registration,
831 conversion, and exchangeability privileges; may be subject to such terms of redemption with
832 or without premium; may be declared or become due before the maturity date thereof; may
833 be executed in such manner; and may contain such terms, covenants, assignments, and
834 conditions as the resolution or resolutions authorizing the issuance of such bonds may
835 provide. All bonds issued under this section bearing the signature of officers in office on the
836 date of the signing thereof shall be valid and binding, notwithstanding that before the
837 delivery thereof, and payment therefor, such officers whose signatures appear thereon shall
838 have ceased to be officers of the municipality issuing the same. Pending the preparation of
839 the definitive bonds, interim receipts, in such form and with such provisions as the governing
840 body may determine, may be issued to the purchaser or purchasers of bonds to be issued
841 under this section. Said bonds shall be and are hereby declared to be nontaxable for any and
842 all purposes.

843 (f) This section shall be deemed cumulative and not in lieu of all other laws granting bond
844 authority to the city and shall provide an additional but nonexclusive means of refunding
845 revenue bonds of the city, regardless of the law under which the revenue bonds shall have
846 been issued.

847 **SECTION 6.24.**

848 Short-term notes.

849 The city may issue short-term notes as now or hereafter provided by general state law.

850 **PART 3**851 **FINANCIAL POLICY**852 **SECTION 6.30.**

853 Purpose.

854 The purpose of the statement of financial policy of the city is to serve as a foundation for
 855 long-term and short-term fiscal planning, to facilitate decision making, and to provide
 856 direction to the city council and city staff for handling the city's day-to-day financial
 857 business. Because of the broad and diverse nature of the city's departments, committees, and
 858 blended component units, having written defined financial policies minimizes the risk of
 859 developing conflicting or inconsistent goals and objectives which could have a negative
 860 impact on the overall financial condition of the city.

861 **SECTION 6.31.**

862 Fiscal year.

863 The mayor and council shall establish a fiscal year for the city and all its agencies by
 864 ordinance unless otherwise provided by state or federal law.

865 **SECTION 6.32.**

866 Municipal budget policy.

867 (a) The mayor and council shall annually appropriate, by ordinance, the funds necessary to
 868 operate all the various agencies and departments and to meet the current expenses of the city
 869 for the next fiscal year. The mayor and council shall comply with all state laws applicable
 870 to budget hearings, public notices, public inspection of budget documents, and budget
 871 adoption.

872 (b) The mayor and council shall not appropriate funds for any given fiscal year which, in
 873 aggregate, exceed a sum equal to the amount of unappropriated surplus expected to have
 874 accrued in the city treasury at the beginning of the fiscal year, together with an amount not
 875 greater than the total municipal receipts from existing revenue sources anticipated to be

876 collected in the fiscal year, less refunds as estimated in the budget report and amendments
877 thereto.

878 (c) All appropriated funds, except for the mandatory appropriations required by law and
879 those required to meet contractual obligations or the continued appropriation and
880 authorization of state or federal grants, remaining unexpended and not contractually
881 obligated at the expiration of the municipal appropriations ordinance shall lapse.

882 (d) All state or federal funds received by the city are hereby continually appropriated in the
883 exact amounts and for the purposes authorized and directed by the state or federal
884 government in making the grant.

885 (e) The adoption of an annual budget for the next fiscal year shall not in itself constitute
886 specific approval for the expenditures identified therein which shall be subject to the
887 requirements of Section 6.41 of this charter.

888 (f) The appropriation for each department, office, bureau, board, commission, function, or
889 line item for which appropriation is made shall be for a specific amount of money, and no
890 appropriation shall allocate to any object the proceeds of any particular tax or a part or
891 percentage thereof.

892 (g) The mayor shall submit to the council at least six weeks prior to the start of the
893 municipal fiscal year a budget message and a budget report. The mayor shall submit to the
894 council at least 60 days prior to the start of the fiscal year a draft of the recommended
895 municipal appropriations ordinance in a form and manner as may be prescribed by ordinance,
896 which shall provide for the appropriation of funds necessary to operate all the various
897 departments and to meet the current expenses of the city for the next fiscal year.

898 (h) Each municipal appropriations ordinance, now in force or hereafter adopted with all
899 amendments as are adopted from time to time, shall continue in force and effect for the next
900 fiscal year after adoption and it shall then expire except for any mandatory appropriations
901 required to meet contractual obligations or the continued appropriation and authorization of
902 state or federal grants.

903 (i) In addition to the appropriations made by the municipal appropriations ordinance and
904 amendments thereto, the mayor and council may make additional appropriations in the same
905 manner as herein provided, which shall be known as supplementary appropriations
906 ordinances, provided that no supplementary appropriation shall be made unless there is an
907 unappropriated surplus in the city treasury or the revenue necessary to pay the appropriation
908 has been collected into the general fund of the city treasury as provided by law. In no event
909 shall a supplementary appropriations ordinance continue in force and effect beyond the
910 expiration of the municipal appropriations ordinance in effect when the supplementary
911 appropriations ordinance was adopted and approved.

912 (j) The city shall finance all current expenditures with current revenues and shall avoid
 913 budgetary procedures that balance current expenditures through the obligation of future
 914 resources. The city shall avoid using short-term financing to meet operating budget
 915 requirements.

916 (k) The budgets of all governmental funds, general revenue, special revenue, and capital
 917 project must be balanced. Budgets for proprietary funds, such as enterprises and internal
 918 service, shall be prepared to establish fees and charges and to maintain managerial control.

919 (l) The city budget shall be adopted at the legal level of control, which is the fund or
 920 department level, as such expenditures may not exceed the total for any department within
 921 a fund.

922 (m) Transfers of appropriations within a department shall require the approval of the mayor.
 923 Transfers of appropriations between departments or funds, an increase in personal services
 924 appropriations, or an increase in the level of authorized positions shall require approval of
 925 the mayor and council.

926 (n) Department directors and elected officials are directed to operate within budget
 927 limitations to prevent emergency situations.

928 (o) The city shall maintain a budgetary accounting control system to ensure adherence to the
 929 adopted annual budget and shall prepare timely financial reports comparing actual revenues
 930 and expenditures with budgeted amounts.

931 (p) All budgets shall be adopted on a basis of accounting consistent with generally accepted
 932 accounting principles as applicable to governments, including all relevant Government
 933 Accounting Standards Board (GASB).

934 **SECTION 6.33.**

935 Fund balance policy for all funds of the city.

936 (a) The city shall maintain a prudent level of financial resources to protect against
 937 disruptions of city provided services due to temporary revenue shortfalls, unpredicted
 938 one-time expenditures, natural disasters, or emergencies, and to maintain sufficient working
 939 capital and cash flow to meet current financial needs at all times.

940 (b) The city's definition of fund balance for its governmental fund types shall conform to
 941 generally accepted accounting principles as applicable to governments, including all relevant
 942 GASB.

943 (c) In accordance with GASB 54, the city's fund balance classifications and definitions are:
 944 (1) Assigned - financial resources whose use is restricted by management based on the
 945 intended use of those resources per the governing authority of the city;

- 946 (2) Committed - financial resources whose use is restricted by action of the governing
 947 authority of the city which will remain binding unless removed in the same manner
 948 creating the restriction;
- 949 (3) Nonspendable - financial resources that will never convert to cash, that will not
 950 convert to cash soon enough to affect the current period, or that must be maintained intact
 951 pursuant to legal or contractual requirements;
- 952 (4) Restricted - financial resources that are subject to externally enforceable legal
 953 restrictions such as debt covenants, federal or state grant requirements, private donors and
 954 contributors, or other governmental entities; and
- 955 (5) Unassigned - any residual net resources available after consideration of
 956 nonspendable, restricted, committed, or assigned fund balance.
- 957 (d) The city's general fund may maintain all five components of fund balance.
- 958 (e) The lowest level of fund balance classification for the city's special revenue funds shall
 959 be committed fund balance. A committed fund balance shall be used first when paying
 960 expenses, unless the expense is for purchases which were listed as being used from restricted
 961 fund balance classification.
- 962 (f) The lowest level of fund balance classification for the city's capital project funds shall
 963 be assigned fund balance for the funding of specific projects. An assigned fund balance shall
 964 be spent first, unless the expenditures are tied to a restricted fund balance amount. Once a
 965 project is completed, any fund balance remaining shall be transferred back to the funds which
 966 were the original funding source.
- 967 (g) By their nature, any debt service funds shall only classify fund balances as nonspendable
 968 or restricted. When debt expenses are paid, the city shall use restricted fund balances first.
 969 All debt services funds shall maintain a fund balance at a level to retire the debt. Once all
 970 debt is retired or the fund balance is sufficient to retire all remaining debt, any remaining
 971 fund balance shall be transferred to other city funds or projects as directed by the governing
 972 authority.
- 973 (h) The city shall maintain as an ending unassigned fund balance for its general fund at least
 974 three months of its prior fiscal year's actual general fund operating expenditures as reflected
 975 in the city's most recent annual audit report.
- 976 (i) General fund unassigned fund balances which exceed the minimum level established by
 977 this section may be appropriated by the city council for nonrecurring capital projects,
 978 equipment, or other operating uses.
- 979 (j) Should the general fund's unassigned fund balance fall below the minimum targeted level
 980 as defined in this section, the governing authority of the city must approve and adopt a plan
 981 to restore the general fund's unassigned fund balance to its target level within a 24 month
 982 period. If due to severe financial hardship of the city, the general fund's unassigned fund

983 balance cannot be restored within this period, the governing authority shall establish a
 984 different time period.

985 (k) The city's governing authority shall avoid the appropriation of the general fund's
 986 unassigned fund balance for recurring operating or capital expenditures unless there is some
 987 extraordinary, nonrecurring event which would require the appropriation in order to meet the
 988 needs of the citizenry or an emergency.

989 (l) The city shall classify its enterprise funds' net assets as restricted, unrestricted, or invested
 990 in capital assets. The city's unrestricted net assets of all of its enterprise funds should be
 991 sufficient to cover operating expenses and infrastructure replacements. Unrestricted net
 992 assets shall be spent first, unless the expense was for a restricted asset.

993 **SECTION 6.34.**

994 Revenue administration policy.

995 (a) The city shall strive to maintain a diversified and stable revenue stream to protect against
 996 short-term fluctuations in any single revenue source.

997 (b) The city shall estimate its revenues by an objective analytical process in a prudent
 998 manner.

999 (c) The city shall follow a policy of paying for services with user charges where practical
 1000 to reduce the reliance on taxes and other general revenue sources.

1001 (d) The city shall seek public and private grants, contracts, and other outside sources of
 1002 revenues for funding projects where appropriate.

1003 (e) The city shall establish the levels of all user charges based on an analysis of the cost of
 1004 providing services. User charges shall be evaluated periodically.

1005 (f) The city shall set fees for each enterprise and internal service fund at a level that fully
 1006 supports the total direct and indirect costs of the fund.

1007 (g) The city shall not set user fees for its enterprise funds which result in extra income to be
 1008 used to subsidize the services of any governmental fund.

1009 **SECTION 6.35.**

1010 Accounting and auditing policy.

1011 (a) Audits of all funds of the city shall be in compliance with generally accepted audit
 1012 standards as issued by the Auditing Standards Board of the American Institute of Certified
 1013 Public Accountants and Government Auditing Standards as issued by the Comptroller
 1014 General of the United States.

1015 (b) The city's annual financial report shall be prepared in accordance with generally accepted
 1016 accounting principles as issued by the Financial Accounting Standards Board of the
 1017 American Institute of Certified Public Accountants and with generally accepted
 1018 governmental accounting principles as issued by the Governmental Accounting Standards
 1019 Board.

1020 (c) The city shall maintain accurate records of all assets to ensure a high degree of
 1021 stewardship for public property.

1022 (d) The city shall maintain an ongoing system of financial reporting to meet the needs of the
 1023 mayor and council, department directors, and the general public. The reporting system shall
 1024 provide for budgetary control, for monitoring of the cost of providing services, and for
 1025 comparative analysis.

1026 **SECTION 6.36.**

1027 Debt policy.

1028 (a) The city's direct general obligation indebtedness shall conform to limits contained in the
 1029 Constitution of the State of Georgia.

1030 (b) The city shall confine long-term indebtedness to capital improvement projects.

1031 (c) The city shall strive to not use short-term debt for funding current operations.

1032 (d) The city shall use approved general obligation debt to fund general purpose public
 1033 improvements which cannot be financed from current revenues, available general fund
 1034 balances, or other current sources of capital financing.

1035 (e) Long-term financing of the city's enterprise funds shall be used only when revenues of
 1036 the debt-issuing fund are sufficient to satisfy operating expenses and debt service
 1037 requirements.

1038 **SECTION 6.37.**

1039 Investment policy and cash management.

1040 (a) The city shall maintain a conservative program of investing all funds under the direction
 1041 of the mayor.

1042 (b) The city investment program shall comply with all state and federal laws, rules, and
 1043 regulations for investing public funds and with safekeeping and security requirements.

1044 (c) The city's investment program shall be operated based on the principles of safety,
 1045 liquidity, and return on investment as follows:

- 1046 (1) Principal is protected from loss with secure investment practices and
- 1047 collateralization;

1048 (2) Investments are readily convertible to cash when needed without incurring principal
1049 losses; and

1050 (3) Earning yields are maximized without diminishing the above principles.

1051 (d) The city shall ensure that all public funds are collateralized in accordance with state and
1052 federal law, thereby guaranteeing the safety of public deposits. The city shall establish
1053 administrative procedures to maintain such pledged collateral and shall utilize pooled
1054 collateral systems provided by the state and by local depositories when possible.

1055 (e) The city shall periodically reevaluate its banking services and shall initiate competitive
1056 negotiation and bidding processes, if deemed necessary. The process shall include the
1057 development of a request for proposals requesting quotations for banking services, services
1058 fees, and earning rates available. Selection of a bank for banking services shall be based on
1059 receiving the most efficient and cost-effective proposals.

1060 **SECTION 6.38.**

1061 Monetary receipt policy.

1062 (a) The policy of the city is that all liquid monetary assets are properly, completely, and
1063 timely accounted for on a daily basis. It is the duty of the city's elected officials,
1064 management, and employees to the citizens of the city to ensure that all monetary assets
1065 received by the city are recorded for occurrence and completeness, physically secured,
1066 controlled, deposited, and allocated to the city's general ledger accounts in a timely and
1067 efficient manner. Liquid monetary assets are defined as cash, checks, credit card payments,
1068 electronic payments, automated clearinghouse, or wire payments.

1069 (b) The purpose of this policy is:

1070 (1) To maximize the revenue accruing to the city through the investment of city funds and
1071 any trust funds to the extent allowed by law, ordinance, and contract;

1072 (2) To minimize the clerical efforts required to handle, process, and account for all moneys
1073 received;

1074 (3) To maximize the accountability of moneys received by the city; and

1075 (4) To require that all monetary assets received by offices of the city, or any of its related
1076 entities, shall be deposited in a timely manner, meaning within two working days, into the
1077 city's banking system.

1078 (c) Department directors and supervisors shall be responsible for the safekeeping of
1079 monetary assets received by their departments and the prompt receipting into the city's cash
1080 management program, or the prompt transfer to the city clerk's office for receipting into the
1081 cash management program.

- 1082 (d) All monetary assets received in any one day shall be deposited in the form in which they
1083 are received.
- 1084 (e) Cash received shall not be used to pay any city bills, to cash personal checks, or for any
1085 other type of transaction.

1086 **PART 4**

1087 **PURCHASING, CONTRACTING, AND DISPOSITION OF PROPERTY**

1088 **SECTION 6.40.**

1089 Contracting procedures.

- 1090 (a) No contract with the city shall be binding on the city unless it is:
- 1091 (1) In writing;
- 1092 (2) Drafted by or submitted to and reviewed by the city attorney and, as a matter of
1093 course, signed by the city attorney to indicate such drafting or review; and
- 1094 (3) Made or authorized by the mayor and council pursuant to lawfully enacted
1095 ordinances.
- 1096 (b) Originals of all contracts shall be maintained on file in the office of the city clerk.

1097 **SECTION 6.41.**

1098 Purchasing procedures.

1099 The mayor and council shall prescribe by ordinance the procedures for all purchases of real
1100 and personal property by the city. Prior to the making of purchases and contracts, the
1101 availability of adequate funds shall be certified as provided by ordinance.

1102 **SECTION 6.42.**

1103 Sale and disposition of property.

1104 The mayor and council shall prescribe by ordinance the procedures for all sales and other
1105 disposition of real and personal property by the city.

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ARTICLE VII
GENERAL PROVISIONS
SECTION 7.10.
Bonds for officials.

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The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

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SECTION 7.11.
Prior ordinances.

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All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full force and effect until amended or repealed by the city council.

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SECTION 7.12.
Existing personnel and officers.

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Except as specifically provided otherwise by this charter, all elected or appointed officers and personnel of the city and their rights, privileges, and powers shall continue beyond the effective date of this charter.

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SECTION 7.13.
Pending matters.

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

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SECTION 7.14.
Construction.

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- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.

1134 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1135 versa.

1136 **SECTION 7.15.**

1137 Severability.

1138 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1139 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1140 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1141 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1142 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1143 sentence, or part thereof be enacted separately and independent of each other.

1144 **SECTION 7.16.**

1145 Specific repealer.

1146 An Act incorporating the City of Warner Robins, approved March 7, 1978 (Ga. L. 1978,
1147 p. 3081), as amended, is hereby repealed in its entirety and all amendatory acts thereto are
1148 likewise repealed in their entirety.

1149 **SECTION 7.17.**

1150 General repealer.

1151 All laws and parts of laws in conflict with this Act are hereby repealed.