

House Bill 1247

By: Representatives Clark of the 147th, Blackmon of the 146th, Dickey of the 140th, Mathis of the 144th, and Williams of the 148th

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.

214 (a) The mayor shall:

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

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

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

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

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

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

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

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

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

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

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

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

241 (b) Every official act of the city council having the force and effect of law shall be by
242 ordinance or resolution. Any such ordinance or resolution adopted or approved by the city
243 council shall be submitted to the mayor within two calendar days following its adoption or
244 approval. The mayor shall approve or veto the ordinance or resolution within eight calendar
245 days after adoption or approval, and no ordinance or resolution shall become effective
246 without the mayor's approval except as provided in this subsection. If the mayor vetoes an
247 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 be the director of one or more city departments. To that end, the city administrator
288 shall have 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 directors and as
291 otherwise provided hereinafter or by this charter or state law. He or she may authorize the
292 director of a department or office to appoint, suspend, or remove subordinates in that
293 department or office;

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

353 **SECTION 2.20.**

354 Eminent domain.

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

363 **SECTION 2.21.**

364 Organizational meetings.

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

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

383

SECTION 2.22.

384

Regular and special meetings.

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

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

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

399

SECTION 2.23.

400

Rules of procedure.

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

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

407

SECTION 2.24.

408

Quorum; voting.

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

413

SECTION 2.25.

414

Ordinance form; procedures.

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

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

425

SECTION 2.26.

426

Codes of technical regulations.

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

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

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

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

437

SECTION 2.27.

438

Signing; authenticating; recording; codification; printing.

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

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

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

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

458 **SECTION 2.28.**

459 Council interference with administration.

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

465 **SECTION 2.29.**

466 Position of mayor pro tem.

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

476

SECTION 2.30.

477

Chief executive officer.

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480

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.

481

ARTICLE III

482

ADMINISTRATIVE AFFAIRS

483

SECTION 3.10.

484

City departments.

485

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(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.

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(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.

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

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(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.

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501

(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.

502

SECTION 3.11.

503

Boards, commissions, and authorities.

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(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.

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

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

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

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

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

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

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

532 **SECTION 3.12.**

533 City attorney.

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

542 **SECTION 3.13.**

543 City clerk.

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

547 **SECTION 3.14.**

548 Position classification and pay plans.

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

555 **ARTICLE IV**556 **JUDICIAL BRANCH**557 **SECTION 4.10.**

558 Creation; name.

559

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

561 **SECTION 4.11.**

562 Chief judge; associate judge.

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

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

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

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

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

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

575 **SECTION 4.12.**

576 Convening.

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

578 **SECTION 4.13.**

579 Jurisdiction; powers.

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

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

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

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

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

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

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

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

612 **SECTION 4.14.**

613 Certiorari.

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

618 **SECTION 4.15.**

619 Rules for court.

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

627 **ARTICLE V**

628 **ELECTIONS**

629 **SECTION 5.10.**

630 Applicability of general law.

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

633 **SECTION 5.11.**

634 Election of the city council and mayor.

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

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

642 **SECTION 5.12.**

643 Nonpartisan elections.

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

646 **SECTION 5.13.**

647 Special elections; vacancies.

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

655 **SECTION 5.14.**

656 Other provisions.

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

660 **SECTION 5.15.**

661 Removal of officers.

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

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

668 **ARTICLE VI**669 **FINANCE**670 **PART 1**671 **TAXATION AND OTHER REVENUE**672 **SECTION 6.10.**

673 Property tax.

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

680 **SECTION 6.11.**

681 Millage rate; due dates; payment methods.

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

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

687

SECTION 6.12.

688

Occupation and business taxes.

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

698

SECTION 6.13.

699

Licenses; permits; fees.

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

711

SECTION 6.14.

712

Service charges.

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

717 **SECTION 6.15.**

718 Special assessment.

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

724 **SECTION 6.16.**

725 Interpretation; other taxes.

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

729 **SECTION 6.17.**

730 Collection of delinquent taxes and fees.

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

742 **SECTION 6.18.**

743 Collection of delinquent water bills.

744

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

748 liable therefor, when such rents and charges are due and remain unpaid for a period of 20
 749 days. The said execution shall become a lien upon the premises when recorded in the general
 750 execution docket of Houston County, Georgia, and shall be collected as a lien for city taxes.

751 (b) The mayor may, at his or her discretion, cause the sales or services to present or
 752 subsequent owners to be discontinued until the unpaid rents or charges are paid, or take other
 753 steps deemed necessary to collect the delinquent rents or charges.

754 **PART 2**

755 **BORROWING AND INDEBTEDNESS**

756 **SECTION 6.20.**

757 **General obligation bonds.**

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

762 **SECTION 6.21.**

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

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

770 **SECTION 6.22.**

771 **Revenue bonds.**

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

775

SECTION 6.23.

776

Refunding revenue bonds.

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

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

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

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

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

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

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

846 **SECTION 6.24.**

847 Short-term notes.

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

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

852 Purpose.

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

860 **SECTION 6.31.**

861 Fiscal year.

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

864 **SECTION 6.32.**

865 Municipal budget policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

933 **SECTION 6.33.**

934 Fund balance policy for all funds of the city.

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

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

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

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

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

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

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

992 **SECTION 6.34.**

993 Revenue administration policy.

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

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

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

1000 (d) The city shall seek public and private grants, contracts, and other outside sources of
1001 revenues for funding projects where appropriate.

1002 (e) The city shall establish the levels of all user charges based on an analysis of the cost of
1003 providing services. User charges shall be evaluated periodically.

1004 (f) The city shall set fees for each enterprise and internal service fund at a level that fully
1005 supports the total direct and indirect costs of the fund.

1006 (g) The city shall not set user fees for its enterprise funds which result in extra income to be
1007 used to subsidize the services of any governmental fund.

1008 **SECTION 6.35.**

1009 Accounting and auditing policy.

1010 (a) Audits of all funds of the city shall be in compliance with generally accepted audit
1011 standards as issued by the Auditing Standards Board of the American Institute of Certified
1012 Public Accountants and Government Auditing Standards as issued by the Comptroller
1013 General of the United States.

1014 (b) The city's annual financial report shall be prepared in accordance with generally accepted
 1015 accounting principles as issued by the Financial Accounting Standards Board of the
 1016 American Institute of Certified Public Accountants and with generally accepted
 1017 governmental accounting principles as issued by the Governmental Accounting Standards
 1018 Board.

1019 (c) The city shall maintain accurate records of all assets to ensure a high degree of
 1020 stewardship for public property.

1021 (d) The city shall maintain an ongoing system of financial reporting to meet the needs of the
 1022 mayor and council, department directors, and the general public. The reporting system shall
 1023 provide for budgetary control, for monitoring of the cost of providing services, and for
 1024 comparative analysis.

1025 **SECTION 6.36.**

1026 Debt policy.

1027 (a) The city's direct general obligation indebtedness shall conform to limits contained in the
 1028 Constitution of the State of Georgia.

1029 (b) The city shall confine long-term indebtedness to capital improvement projects.

1030 (c) The city shall strive to not use short-term debt for funding current operations.

1031 (d) The city shall use approved general obligation debt to fund general purpose public
 1032 improvements which cannot be financed from current revenues, available general fund
 1033 balances, or other current sources of capital financing.

1034 (e) Long-term financing of the city's enterprise funds shall be used only when revenues of
 1035 the debt-issuing fund are sufficient to satisfy operating expenses and debt service
 1036 requirements.

1037 **SECTION 6.37.**

1038 Investment policy and cash management.

1039 (a) The city shall maintain a conservative program of investing all funds under the direction
 1040 of the mayor.

1041 (b) The city investment program shall comply with all state and federal laws, rules, and
 1042 regulations for investing public funds and with safekeeping and security requirements.

1043 (c) The city's investment program shall be operated based on the principles of safety,
 1044 liquidity, and return on investment as follows:

1045 (1) Principal is protected from loss with secure investment practices and
 1046 collateralization;

- 1047 (2) Investments are readily convertible to cash when needed without incurring principal
 1048 losses; and
- 1049 (3) Earning yields are maximized without diminishing the above principles.
- 1050 (d) The city shall ensure that all public funds are collateralized in accordance with state and
 1051 federal law, thereby guaranteeing the safety of public deposits. The city shall establish
 1052 administrative procedures to maintain such pledged collateral and shall utilize pooled
 1053 collateral systems provided by the state and by local depositories when possible.
- 1054 (e) The city shall periodically reevaluate its banking services and shall initiate competitive
 1055 negotiation and bidding processes, if deemed necessary. The process shall include the
 1056 development of a request for proposals requesting quotations for banking services, services
 1057 fees, and earning rates available. Selection of a bank for banking services shall be based on
 1058 receiving the most efficient and cost-effective proposals.

1059 **SECTION 6.38.**

1060 Monetary receipt policy.

- 1061 (a) The policy of the city is that all liquid monetary assets are properly, completely, and
 1062 timely accounted for on a daily basis. It is the duty of the city's elected officials,
 1063 management, and employees to the citizens of the city to ensure that all monetary assets
 1064 received by the city are recorded for occurrence and completeness, physically secured,
 1065 controlled, deposited, and allocated to the city's general ledger accounts in a timely and
 1066 efficient manner. Liquid monetary assets are defined as cash, checks, credit card payments,
 1067 electronic payments, automated clearinghouse, or wire payments.
- 1068 (b) The purpose of this policy is:
- 1069 (1) To maximize the revenue accruing to the city through the investment of city funds and
 1070 any trust funds to the extent allowed by law, ordinance, and contract;
- 1071 (2) To minimize the clerical efforts required to handle, process, and account for all moneys
 1072 received;
- 1073 (3) To maximize the accountability of moneys received by the city; and
- 1074 (4) To require that all monetary assets received by offices of the city, or any of its related
 1075 entities, shall be deposited in a timely manner, meaning within two working days, into the
 1076 city's banking system.
- 1077 (c) Department directors and supervisors shall be responsible for the safekeeping of
 1078 monetary assets received by their departments and the prompt receipting into the city's cash
 1079 management program, or the prompt transfer to the city clerk's office for receipting into the
 1080 cash management program.

- 1081 (d) All monetary assets received in any one day shall be deposited in the form in which they
 1082 are received.
- 1083 (e) Cash received shall not be used to pay any city bills, to cash personal checks, or for any
 1084 other type of transaction.

1085 **PART 4**

1086 **PURCHASING, CONTRACTING, AND DISPOSITION OF PROPERTY**

1087 **SECTION 6.40.**

1088 **Contracting procedures.**

- 1089 (a) No contract with the city shall be binding on the city unless it is:
- 1090 (1) In writing;
- 1091 (2) Drafted by or submitted to and reviewed by the city attorney and, as a matter of
 1092 course, signed by the city attorney to indicate such drafting or review; and
- 1093 (3) Made or authorized by the mayor and council pursuant to lawfully enacted
 1094 ordinances.
- 1095 (b) Originals of all contracts shall be maintained on file in the office of the city clerk.

1096 **SECTION 6.41.**

1097 **Purchasing procedures.**

1098 The mayor and council shall prescribe by ordinance the procedures for all purchases of real
 1099 and personal property by the city. Prior to the making of purchases and contracts, the
 1100 availability of adequate funds shall be certified as provided by ordinance.

1101 **SECTION 6.42.**

1102 **Sale and disposition of property.**

1103 The mayor and council shall prescribe by ordinance the procedures for all sales and other
 1104 disposition of real and personal property by the city.

1105 ARTICLE VII

1106 GENERAL PROVISIONS

1107 SECTION 7.10.

1108 Bonds for officials.

1109 The officers and employees of this city, both elected and appointed, shall execute such surety
1110 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1111 shall from time to time require by ordinance or as may be provided by law.

1112 SECTION 7.11.

1113 Prior ordinances.

1114 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1115 with this charter are hereby declared valid and of full force and effect until amended or
1116 repealed by the city council.

1117 SECTION 7.12.

1118 Existing personnel and officers.

1119 Except as specifically provided otherwise by this charter, all elected or appointed officers and
1120 personnel of the city and their rights, privileges, and powers shall continue beyond the
1121 effective date of this charter.

1122 SECTION 7.13.

1123 Pending matters.

1124 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1125 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
1126 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1127 by the city council.

1128 SECTION 7.14.

1129 Construction.

1130 (a) Section captions in this charter are informative only and are not to be considered as a part
1131 thereof.

1132 (b) The word "shall" is mandatory and the word "may" is permissive.

1133 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1134 versa.

1135 **SECTION 7.15.**

1136 Severability.

1137 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1138 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1139 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1140 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1141 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1142 sentence, or part thereof be enacted separately and independent of each other.

1143 **SECTION 7.16.**

1144 Specific repealer.

1145 An Act incorporating the City of Warner Robins, approved March 7, 1978 (Ga. L. 1978,
1146 p. 3081), as amended, is hereby repealed in its entirety and all amendatory acts thereto are
1147 likewise repealed in their entirety.

1148 **SECTION 7.17.**

1149 General repealer.

1150 All laws and parts of laws in conflict with this Act are hereby repealed.