

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 1247:

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:

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ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.

Name.

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

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SECTION 1.11.
Corporate boundaries.

35 (a) The boundaries of this city shall be those existing on the effective date of the adoption
36 of this charter with such alterations as may be made from time to time in the manner
37 provided by law. The boundaries of this city at all times shall be shown on a map, a written
38 description, or any combination thereof, to be retained permanently in the office of the city
39 clerk and to be designated, as the case may be: "Official Map (or Description) of the
40 corporate limits of the City of Warner Robins, Georgia." Photographic, typed, or other
41 copies of such map or description certified by the city clerk shall be admitted as evidence in
42 all courts and shall have the same force and effect as with the original map or description.
43 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
44 lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes
45 the entire map or maps which it is designated to replace.

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SECTION 1.12.
Powers and construction.

48 (a) This city shall have all powers possible for a city to have under the present or future
49 Constitution and laws of this state as fully and completely as though they were specifically
50 enumerated in this charter. This city shall have all the powers of self-government not
51 otherwise prohibited by this charter or by general law.
52 (b) The city shall have and be authorized to exercise all redevelopment and other powers
53 authorized or granted municipalities pursuant to the "Redevelopment Powers Law," as now
54 or hereafter amended, provided for by Chapter 44 of Title 36 of the O.C.G.A. These powers
55 shall include, without being limited to, all redevelopment powers, the power to issue tax
56 allocation bonds and incur other obligations without such bonds or obligations constituting
57 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.

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SECTION 2.15.

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Compensation and expenses.

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

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

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

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

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

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

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

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

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

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

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

315 (9) Attend all meetings of the city council and other official meetings, unless excused
316 therefrom, and take part in the discussion of all matters coming before the council. He or

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

352 **SECTION 2.20.**

353 Eminent domain.

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

362 **SECTION 2.21.**

363 Organizational meetings.

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

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

382

SECTION 2.22.

383

Regular and special meetings.

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

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

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

398

SECTION 2.23.

399

Rules of procedure.

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

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

406

SECTION 2.24.

407

Quorum; voting.

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

412

SECTION 2.25.

413

Ordinance form; procedures.

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

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

424

SECTION 2.26.

425

Codes of technical regulations.

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

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

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

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

436

SECTION 2.27.

437

Signing; authenticating; recording; codification; printing.

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

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

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

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

457

SECTION 2.28.

458

Council interference with administration.

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

464

SECTION 2.29.

465

Position of mayor pro tem.

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

475

SECTION 2.30.

476

Chief executive officer.

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

480

ARTICLE III

481

ADMINISTRATIVE AFFAIRS

482

SECTION 3.10.

483

City departments.

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

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

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

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

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

501

SECTION 3.11.

502

Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

531

SECTION 3.12.

532

City attorney.

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

541 **SECTION 3.13.**

542 City clerk.

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

546 **SECTION 3.14.**

547 Position classification and pay plans.

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

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

557 Creation; name.

558

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

560 **SECTION 4.11.**

561 Chief judge; associate judge.

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

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

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

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

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

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

574 **SECTION 4.12.**

575 Convening.

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

577 **SECTION 4.13.**

578 Jurisdiction; powers.

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

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

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

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

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

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

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

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

611 **SECTION 4.14.**

612 Certiorari.

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

617 **SECTION 4.15.**

618 Rules for court.

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

626 **ARTICLE V**

627 **ELECTIONS**

628 **SECTION 5.10.**

629 Applicability of general law.

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

632 **SECTION 5.11.**

633 Election of the city council and mayor.

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

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

641 **SECTION 5.12.**

642 Nonpartisan elections.

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

645 **SECTION 5.13.**

646 Special elections; vacancies.

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

654 **SECTION 5.14.**

655 Other provisions.

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

659 **SECTION 5.15.**

660 Removal of officers.

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

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

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

672 Property tax.

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

679 **SECTION 6.11.**

680 Millage rate; due dates; payment methods.

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

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

686

SECTION 6.12.

687

Occupation and business taxes.

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

697

SECTION 6.13.

698

Licenses; permits; fees.

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

710

SECTION 6.14.

711

Service charges.

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

716 **SECTION 6.15.**

717 Special assessment.

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

723 **SECTION 6.16.**

724 Interpretation; other taxes.

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

728 **SECTION 6.17.**

729 Collection of delinquent taxes and fees.

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

741 **SECTION 6.18.**

742 Collection of delinquent water bills.

743

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

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

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

753 **PART 2**

754 **BORROWING AND INDEBTEDNESS**

755 **SECTION 6.20.**

756 **General obligation bonds.**

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

761 **SECTION 6.21.**

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

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

769 **SECTION 6.22.**

770 **Revenue bonds.**

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

SECTION 6.23.

774

775

Refunding revenue bonds.

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

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

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

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

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

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

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

845 **SECTION 6.24.**

846 Short-term notes.

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

848 **PART 3**

849 **FINANCIAL POLICY**

850 **SECTION 6.30.**

851 Purpose.

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

859 **SECTION 6.31.**

860 Fiscal year.

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

863 **SECTION 6.32.**

864 Municipal budget policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

932

SECTION 6.33.

933

Fund balance policy for all funds of the city.

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

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

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

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

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

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

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

991

SECTION 6.34.

992

Revenue administration policy.

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

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

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

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

1001 (e) The city shall establish the levels of all user charges based on an analysis of the cost of
1002 providing services. User charges shall be evaluated periodically.

1003 (f) The city shall set fees for each enterprise and internal service fund at a level that fully
1004 supports the total direct and indirect costs of the fund.

1005 (g) The city shall not set user fees for its enterprise funds which result in extra income to be
1006 used to subsidize the services of any governmental fund.

1007

SECTION 6.35.

1008

Accounting and auditing policy.

1009 (a) Audits of all funds of the city shall be in compliance with generally accepted audit
1010 standards as issued by the Auditing Standards Board of the American Institute of Certified
1011 Public Accountants and Government Auditing Standards as issued by the Comptroller
1012 General of the United States.

1013 (b) The city's annual financial report shall be prepared in accordance with generally accepted
 1014 accounting principles as issued by the Financial Accounting Standards Board of the
 1015 American Institute of Certified Public Accountants and with generally accepted
 1016 governmental accounting principles as issued by the Governmental Accounting Standards
 1017 Board.

1018 (c) The city shall maintain accurate records of all assets to ensure a high degree of
 1019 stewardship for public property.

1020 (d) The city shall maintain an ongoing system of financial reporting to meet the needs of the
 1021 mayor and council, department directors, and the general public. The reporting system shall
 1022 provide for budgetary control, for monitoring of the cost of providing services, and for
 1023 comparative analysis.

1024 **SECTION 6.36.**

1025 Debt policy.

1026 (a) The city's direct general obligation indebtedness shall conform to limits contained in the
 1027 Constitution of the State of Georgia.

1028 (b) The city shall confine long-term indebtedness to capital improvement projects.

1029 (c) The city shall strive to not use short-term debt for funding current operations.

1030 (d) The city shall use approved general obligation debt to fund general purpose public
 1031 improvements which cannot be financed from current revenues, available general fund
 1032 balances, or other current sources of capital financing.

1033 (e) Long-term financing of the city's enterprise funds shall be used only when revenues of
 1034 the debt-issuing fund are sufficient to satisfy operating expenses and debt service
 1035 requirements.

1036 **SECTION 6.37.**

1037 Investment policy and cash management.

1038 (a) The city shall maintain a conservative program of investing all funds under the direction
 1039 of the mayor.

1040 (b) The city investment program shall comply with all state and federal laws, rules, and
 1041 regulations for investing public funds and with safekeeping and security requirements.

1042 (c) The city's investment program shall be operated based on the principles of safety,
 1043 liquidity, and return on investment as follows:

1044 (1) Principal is protected from loss with secure investment practices and
 1045 collateralization;

1046 (2) Investments are readily convertible to cash when needed without incurring principal
1047 losses; and

1048 (3) Earning yields are maximized without diminishing the above principles.

1049 (d) The city shall ensure that all public funds are collateralized in accordance with state and
1050 federal law, thereby guaranteeing the safety of public deposits. The city shall establish
1051 administrative procedures to maintain such pledged collateral and shall utilize pooled
1052 collateral systems provided by the state and by local depositories when possible.

1053 (e) The city shall periodically reevaluate its banking services and shall initiate competitive
1054 negotiation and bidding processes, if deemed necessary. The process shall include the
1055 development of a request for proposals requesting quotations for banking services, services
1056 fees, and earning rates available. Selection of a bank for banking services shall be based on
1057 receiving the most efficient and cost-effective proposals.

1058

SECTION 6.38.

1059

Monetary receipt policy.

1060 (a) The policy of the city is that all liquid monetary assets are properly, completely, and
1061 timely accounted for on a daily basis. It is the duty of the city's elected officials,
1062 management, and employees to the citizens of the city to ensure that all monetary assets
1063 received by the city are recorded for occurrence and completeness, physically secured,
1064 controlled, deposited, and allocated to the city's general ledger accounts in a timely and
1065 efficient manner. Liquid monetary assets are defined as cash, checks, credit card payments,
1066 electronic payments, automated clearinghouse, or wire payments.

1067 (b) The purpose of this policy is:

1068 (1) To maximize the revenue accruing to the city through the investment of city funds and
1069 any trust funds to the extent allowed by law, ordinance, and contract;

1070 (2) To minimize the clerical efforts required to handle, process, and account for all moneys
1071 received;

1072 (3) To maximize the accountability of moneys received by the city; and

1073 (4) To require that all monetary assets received by offices of the city, or any of its related
1074 entities, shall be deposited in a timely manner, meaning within two working days, into the
1075 city's banking system.

1076 (c) Department directors and supervisors shall be responsible for the safekeeping of
1077 monetary assets received by their departments and the prompt receipting into the city's cash
1078 management program, or the prompt transfer to the city clerk's office for receipting into the
1079 cash management program.

- 1080 (d) All monetary assets received in any one day shall be deposited in the form in which they
1081 are received.
- 1082 (e) Cash received shall not be used to pay any city bills, to cash personal checks, or for any
1083 other type of transaction.

1084 **PART 4**

1085 **PURCHASING, CONTRACTING, AND DISPOSITION OF PROPERTY**

1086 **SECTION 6.40.**

1087 **Contracting procedures.**

- 1088 (a) No contract with the city shall be binding on the city unless it is:
- 1089 (1) In writing;
- 1090 (2) Drafted by or submitted to and reviewed by the city attorney and, as a matter of
1091 course, signed by the city attorney to indicate such drafting or review; and
- 1092 (3) Made or authorized by the mayor and council pursuant to lawfully enacted
1093 ordinances.
- 1094 (b) Originals of all contracts shall be maintained on file in the office of the city clerk.

1095 **SECTION 6.41.**

1096 **Purchasing procedures.**

1097 The mayor and council shall prescribe by ordinance the procedures for all purchases of real
1098 and personal property by the city. Prior to the making of purchases and contracts, the
1099 availability of adequate funds shall be certified as provided by ordinance.

1100 **SECTION 6.42.**

1101 **Sale and disposition of property.**

1102 The mayor and council shall prescribe by ordinance the procedures for all sales and other
1103 disposition of real and personal property by the city.

1132 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1133 versa.

1134 **SECTION 7.15.**

1135 Severability.

1136 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1137 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1138 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1139 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1140 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1141 sentence, or part thereof be enacted separately and independent of each other.

1142 **SECTION 7.16.**

1143 Specific repealer.

1144 An Act incorporating the City of Warner Robins, approved March 7, 1978 (Ga. L. 1978,
1145 p. 3081), as amended, is hereby repealed in its entirety and all amendatory acts thereto are
1146 likewise repealed in their entirety.

1147 **SECTION 7.17.**

1148 General repealer.

1149 All laws and parts of laws in conflict with this Act are hereby repealed.