

## CHARTER AND RELATED LAWS

### CHARTER<sup>(1)</sup>

Footnotes:

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**Editor's note**— Published herein is the city charter, being Acts 1978, p. 3081, as amended. History notes indicate the source of amendments. In publishing the charter a printing style consistent with that of the new code has been used. Obvious spelling errors have been corrected and state law references in footnote form have been added.

### PART 1. - INCORPORATION, POWERS, BOUNDARIES

Sec. 1-101. - Incorporation; name.

The City of Warner Robins, Georgia, and the inhabitants thereof shall continue to be a body politic and corporate under the name of the City of Warner Robins (hereinafter at times referred to as the "city"). The city shall be the legal continuation and successor to the city as heretofore incorporated; shall continue to be vested with all of the property and rights of property which now belong to the city; and shall have perpetual succession.

Sec. 1-102. - General powers.

- (a) The city shall have all the powers, duties, rights, privileges and immunities vested in the city as are now or hereafter granted to municipal corporations by the Constitution, by the general laws of the State of Georgia and by this charter. The city shall exercise and enjoy all powers of self-government not specifically prohibited by the Constitution, the general laws of the State of Georgia or by this charter, including all powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience and general welfare of the city and of its inhabitants, and all implied powers necessary to carry into execution all powers granted as fully and completely as if these powers were fully enumerated herein. In addition, the city may sue and be sued; may contract and be contracted with; may acquire and hold any property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it and from time to time may hold or invest, sell or dispose of any of its property including, but not limited to, the abandonment of any easement when deemed desirable by the city; and may have a common seal and alter it at will.
- (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 [§ 36-44-1 et seq.] 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 into contracts with private persons, firms, corporations, and business entities for the period specified in the "Redevelopment Powers Law."

(Ga. Laws 1986, p. 3923, § 1)

**State Law reference**— Home rule, Ga. Const. art. IX, § II; O.C.G.A. § 36-35-1 et seq.

Sec. 1-103. - Special powers.

The city may acquire, construct and maintain, by condemnation or otherwise, inside or outside the city limits, public ways, parks, public grounds, cemeteries, markets, market houses, public buildings,

libraries, sewers, drains, sewage treatment or waterworks systems, electrical or gas systems, airports, hospitals, and charitable, educational, flood control, recreational, sport, curative, corrective, detentive, penal and medical institutions, areas and facilities, and any other public improvements. The city, by ordinance, may establish and enforce rules and regulations necessary to preserve order, peace, and dignity on any property or facilities so acquired.

Sec. 1-104. - Construction of powers.

The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in anyway the powers of the city.

Sec. 1-105. - Boundaries; official map.

- (a) The corporate limits and boundaries of this city shall be those existing immediately prior to the effective date of this section with any alterations as may be made from time to time in the manner provided by state law. The boundaries of this city at all times shall be shown on a map, a written description or any combination thereof, incorporated herein, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) or the Corporate Limits of the City of Warner Robins, Georgia." Photographic, typed, or other copies of the 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.

Also included within the corporate limits of said city is the following described tract of land, to wit:

All that tract or parcel of land lying and being in Land Lots 139, 140, 147, and 148 of the Fifth Land District in Houston County, Georgia, and being more particularly described as follows:

Beginning at a point on the southerly right of way of Watson Boulevard (SR 247 Connector) 350 feet westerly of the easterly line of Land Lot 147; thence in a westerly direction along the southerly right-of-way of said Watson Boulevard to a point where the southerly right-of-way of said Watson Boulevard intersects with the westerly right-of-way of Carl Vinson Parkway; thence in a northerly direction along the extension of the westerly right-of-way of said Carl Vinson Parkway to a point where westerly right-of-way of said Carl Vinson Parkway intersects with the northerly right-of-way of Watson Boulevard; thence in an easterly direction along the northerly right-of-way of said Watson Boulevard to a point 350 feet westerly of the easterly line of Land Lot 148; thence in a southerly direction along a line parallel to the easterly lines of Land Lots 148 and 147 to a point, being the point of beginning.

The following described property shall be deannexed from and shall not be included within the corporate limits of the City of Warner Robins, to wit:

All that tract or parcel of land lying and being in Land Lots 95 and 96 of the Fifth Land District in Houston County, Georgia, and being more particularly described as follows:

Beginning at a point where the northerly boundary of Watson Boulevard (SR 247 Connector) intersects with the common line between Land Lots 95 and 114; thence in a westerly direction along the northerly boundary of said Watson Boulevard to a point 50 feet westerly and parallel to the common line between said Land Lots 95 and 114; thence in a northerly direction along a line 50 feet westerly and parallel to the common lines between Land Lots 95, 96, 113 and 114 to a point on the southerly boundary of West Church Street; thence in an easterly direction along the southerly boundary of West Church Street to a point on the common line between Land Lots 96 and 113; thence in a southerly direction along a common line between Land Lot 95, 96, 113 and 114 to a point on the northerly boundary of said Watson Boulevard, said point being the point of beginning.

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

(Ga. Laws 1990, p. 35-34, § 1)

Sec. 1-106. - Annexation of territory; elections.

- (a) Upon presentation of a petition signed by a majority of persons residing in territory contiguous to the territorial limits of the city, the mayor and council may, in their discretion, call a special election to be held not less than thirty (30) days, nor more than sixty (60) days from the presentation of the petition, at which election the qualified voters of the contiguous territory shall vote for or against annexation of such territory into the city. The mayor and council shall provide by ordinance for the mode and manner in which the election is held, the vote consolidated and the result determined in a manner consistent with general state law.
- (b) Only those persons residing in such territory who are qualified to vote for members of the General Assembly from Houston County and shall have registered as prescribed by the mayor and council shall be entitled to vote at said election.
- (c) Simultaneously with the election to be held by the residents of the territory requesting annexation, the mayor and council shall cause to be held a special election by the qualified and registered voters of the then territorial limits of the city, at which election the voters shall vote, for or against annexation of said territory. This election shall be held in accordance with general state law respecting all municipal elections, and the mayor and council shall have power and authority to prescribe other rules and regulations not inconsistent therewith.
- (d) In the event a majority of the votes at each of said elections shall vote for annexation, the mayor and council shall adopt an appropriate ordinance to accomplish the inclusion of the territory in the corporate limits. Declarations of the results of such elections and contest thereof shall be governed by the provisions of general state law.

**State Law reference**— Georgia Municipal Election Code, O.C.G.A. § 21-3-1 et seq.; annexation, O.C.G.A. §§ 36-35-2, 36-36-1 et seq.

PART 2. - THE MAYOR AND COUNCIL

CHAPTER 1. - GENERAL PROVISIONS

Sec. 2-101. - Creation; composition.

The legislative authority of the government of the City of Warner Robins, except as otherwise specifically provided in this charter, shall be vested in the mayor and six (6) city council members. The mayor and council members shall be elected in the manner provided by this charter.

(Ga. Laws 1987, p. 4174, § 1; Ga. Laws 1990, p. 35-34, § 2)

Sec. 2-102. - Qualifications.

- (a) In order to be eligible for election or appointment to a post on the city council, a person shall have attained the age of twenty-one (21) and have resided in the city for a period of one (1) year, and with respect to members of the council representing council districts, shall have resided in the council district for a period of six (6) months. Such residency requirements shall be calculated from the date of qualifying for election or appointment.
- (b) In order to be eligible for election or appointment to the office of mayor, a person shall have attained the age of twenty-three (23) and have resided in the city for a period of one year. Such residency requirement shall be calculated from the date of qualifying for election or appointment.

(Ga. Laws 1993, H.B. 570, § 1; Res. of 1-7-13, § 1)

**State Law reference**— General qualifications for civil office, O.C.G.A. § 45-2-1.

Sec. 2-103. - Compensation.

The mayor and council members shall receive, as compensation for their services, an amount fixed by ordinance as provided by general state law. In addition, the mayor and council members shall receive their expenses incurred in the performance of their official duties in the manner provided by ordinance.

**State Law reference**— Compensation of members of governing body, O.C.G.A. § 36-35-4.

## CHAPTER 2. - POWERS OF THE MAYOR AND COUNCIL

Sec. 2-201. - General powers.

Except as otherwise provided by this charter, all powers of the city shall be vested in the mayor and council as the governing body.

(Ga. Laws 1994, H.B. 1602, § 1)

Sec. 2-202. - Execution of powers.

The mayor and council shall provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by this charter or general law unless otherwise authorized by state law or this charter.

Sec. 2-203. - Specific powers, duties and limitations.

Without otherwise limiting the general powers of the mayor and council, it shall:

- (a) Adopt all annual appropriations for the city and any supplements or amendments the mayor and council deems necessary from time to time during the fiscal year;
- (b) Adopt a fiscal year for the city and each of its departments, boards or other agencies and any other ordinances for the regulation and management of the financial affairs of the city it deems necessary;
- (c) Adopt ordinances providing for all governmental reorganizations including the establishment, alteration, or abolishment of any and all non-elective offices, positions, departments and agencies of the city unless otherwise established or provided by this charter;
- (d) Adopt ordinances establishing any personnel policies it deems necessary for an adequate and systematic handling of personnel affairs;
- (e) Appoint or remove, by motion, a city attorney, municipal judge, members of any board, commission or authority of the city, or any appointed city officer unless otherwise provided by general state law or this charter;
- (f) Remove or reinstate, within thirty (30) days, any appointed city officer suspended by the mayor;
- (g) Adopt any ordinance which prescribes the amount and terms of surety bonds conditioned upon the faithful performance of the duties of office of any officer or employee of the city; provided the city pay any premiums on such bonds;

- (h) Adopt any resolution or motion expressing the mayor and council's opinion on any subject or, where authorized by ordinance, approve by motion the issuance of any license or permit of the city;
- (i) Establish and appoint, by resolution, any committee of citizens to advise the mayor and council as it deems necessary; provided, however, that the term of such committee shall automatically expire within one year of its creation, if not earlier abolished by the mayor and council; and
- (j) Adopt any other ordinance or amendment to this charter as is not denied now or hereafter under general state law or this charter and exercise any other power as may be provided now or hereafter under state law or this charter.

(Ga. Laws 1994, H.B. 1602, § 2)

Sec. 2-204. - Independent audits.

The mayor and council shall provide, by resolution, for an independent annual audit of all city accounts and may similarly provide for more frequent or continuing audits as it deems necessary. Audits shall be made by a certified public accountant or firm of certified public accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The mayor and council may, without requiring competitive bids, designate by resolution the accountant or firm annually or for a period not exceeding three (3) years provided that the designation for any particular fiscal year shall be made no later than ninety (90) days after the beginning of the fiscal year. The mayor and council may also provide by resolution for special independent audits of any office, department, board, commission, or other agency of the city.

**State Law reference**— Annual audits, O.C.G.A. §§ 30-60-8, 36-81-7.

Sec. 2-205. - Inquiries and investigations.

The mayor and council may make inquiries and investigations into the affairs of the city and the conduct of any department, office or agency of the city or any joint city/county or independent commission, board or authority of the city. For this purpose, the mayor and council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in the same manner as the Superior Court of Houston County. Any person who fails or refuses to obey a lawful order issued in the exercise of this power by the mayor and council may be held in contempt by a majority vote of all council members and punished as provided in this charter for contempt of the municipal court. Appeal to the Superior Court of Houston County from a council contempt conviction is allowed for any conviction in the municipal court.

CHAPTER 3. - MAYOR AND MAYOR PRO TEM

Sec. 2-301. - Mayor.

- (a) The mayor, as chief legislative officer of the city, shall:
  - (1) Preside at all meetings of the mayor and council;
  - (2) Appoint or abolish any council committees and appoint members thereof;
  - (3) Convene special meetings of the mayor and council as provided in this charter; and
  - (4) Have the power to administer oaths and to take affidavits.
- (b) The mayor shall be the chief executive officer and the head of the administrative branch of the city government. The mayor shall exercise supervision and control over all departments and agencies of the city unless otherwise provided by general state law or this charter. The mayor must devote all of his or her working time and attention to the affairs of the city and shall be responsible for the efficient

administration of all the affairs of the city over which the mayor has jurisdiction. In this capacity, the mayor shall have the power and duty:

- (1) To see that all laws and ordinances are enforced;
  - (2) To appoint or suspend all city agency and department heads or other city officers which are directly responsible to the mayor unless otherwise provided by general state law or this charter; provided that such appointments shall not be effective after thirty (30) days from the date of appointment unless confirmed by a majority vote of the mayor and council;
  - (3) To negotiate, authorize and execute all lawful city contracts as is provided by state law, this charter or ordinance;
  - (4) To keep the mayor and council, at all times, fully advised as to the financial condition and needs of the city and have prepared and presented each month to the mayor and council a summary of the city's financial condition; and
  - (5) To recommend to the mayor and council the adoption of such measures as he or she may deem necessary or expedient.
- (c) The mayor, before entering upon the discharge of his or her duties, shall give bond in the penal sum to be fixed and approved by the mayor and council. The premium shall be paid by the city and the bond shall be made payable to the City of Warner Robins, and its successors, for the benefit of the city, and for the use and benefit of the public, to secure and indemnify the city and any of the public, by reason of the mayor's default, misfeasance, malfeasance or nonfeasance in the performance of his or her duties.
- (d) The mayor shall perform any other duties and exercise any other powers required by state or federal law or authorized by ordinance not in conflict with this charter.
- (e) Otherwise, the mayor shall have all the same powers and duties of other council members.

Sec. 2-302. - Mayor pro tem.

The mayor and council shall appoint by a majority vote from among its members other than the mayor, a mayor pro tem who shall assume the duties and powers of the mayor in the mayor's absences or disability but otherwise shall have all the same powers and duties as other council members. Such an absence or disability may be declared by the mayor or by a motion to that effect adopted by a majority of all the council members other than the mayor. The mayor pro tem shall serve in that office for a term of one (1) year or for the remainder of the term of the council office to which he or she was elected unless that council office becomes vacant as provided in this charter whereupon a new mayor pro tem shall be appointed as herein provided.

Sec. 2-303. - Interpretation of terms.

All references to members of council, unless specifically provided otherwise, shall mean and include the mayor and mayor pro tem.

#### CHAPTER 4. - ORGANIZATION AND PROCEDURE

Sec. 2-401. - Organizational meeting.

- (a) The mayor and councilmembers shall be sworn in upon the date they assume their offices. Subsequent to the members' being elected to the council at the special election in 1993, the mayor and councilmembers shall meet for organization at the next regularly scheduled council meeting; provided, however, that, subsequent to the members' being elected to the council at the general municipal election in 1995, the mayor and councilmembers shall meet for organization on the first regular business day in January, 1996, and on such date biennially thereafter following such general municipal elections.

- (b) The newly elected or reelected mayor and council members shall each qualify to take office by taking the following oath of office to be administered by a judge of the Superior Court of Houston County:

"I do solemnly swear (or affirm) that I will truly perform to the best of my abilities the duties of Mayor or Council Member, as the case may be, by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of the City of Warner Robins and the common interest thereof. I do further solemnly swear or affirm that I am otherwise qualified to hold said office according to the Constitutions of the United States of America and the State of Georgia and the Charter of the City of Warner Robins, and I will support the Constitutions of the United States of America and the State of Georgia."

- (c) At the organizational meeting provided for in subsection (a) of this section, the newly reorganized mayor and council shall make all appointments and selections as may be required by this charter or by ordinance.
- (d) A special meeting may be called to install any member elected by a special election or otherwise appointed to the council.

(Ga. Laws 1987, p. 4174, § 2; Ga. Laws 1990, p. 35-34, § 3; Ga. Laws 1993, H.B. 570, § 2)

Sec. 2-402. - Rules of procedure; journal of minutes.

- (a) The mayor and council, by a motion approved by a majority vote of all members, may adopt any rules of procedure and order of business or amendments thereto that are consistent with this charter and ordinances of the city, provided that:
- (1) A proposed ordinance or amendment thereto may be introduced by any council member;
  - (2) A quorum for all mayor and council meetings shall be a majority of all council members and no business shall be transacted by the mayor and council in the absence of a quorum except to adjourn from time to time;
  - (3) All actions of mayor and council shall require the affirmative vote of a majority of the council members present unless otherwise required by this charter; and
  - (4) All amendments to ordinances shall be by ordinance and no motion or resolution shall affect the operation of an ordinance unless that ordinance so provides.
- (b) A journal of minutes shall be maintained and every official action of the mayor and council shall be recorded therein and the journal shall be a public record. Minutes shall also be recorded for executive sessions of the mayor and council but shall not be a public record. Any council member shall be able to require the recording of yeas and nays of each member in the journal for any votes taken by the mayor and council.

Sec. 2-403. - Meetings; regular and special.

- (a) The mayor and council shall fix the date and time of regular meetings of the mayor and council by ordinance and there shall be at least two (2) regular meetings each month.
- (b) Special meetings of the mayor and council may be held on call of the mayor or a majority of all council members other than the mayor. Notice of a special meeting shall be served on all other members personally, or by telephone personally, or otherwise notified as fully as is reasonably possible twenty-four (24) hours in advance of the meeting. This notice to council members shall not be required if all council members are present when the special meeting is called. This notice of a special meeting may be waived by a council member in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in the council member's presence or with his or her prior knowledge. Any business may be transacted at a special meeting which could be transacted at a regular meeting.

- (c) All meetings of the council shall be public to the extent required by general state law and notice to the public of special meetings shall be made fully as is reasonably possible twenty-four (24) hours prior to the meetings.

(Ord. No. 14-79, § 1, 2-20-79)

**Editor's note**— Ord. No. 14-79 is published in Ga. Laws 1980, p. 4745.

**State Law reference**— Public meetings, O.C.G.A. § 50-14-1.

Sec. 2-404. - Codes of technical regulations.

- (a) The mayor and council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing the adopting ordinance shall be as prescribed for ordinances generally.
- (b) Any requirements for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance.
- (c) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to section 2-405.
- (d) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase by the public at a reasonable price.

Sec. 2-405. - Authenticating ordinances; recording; codification; printing.

- (a) The city clerk shall authenticate by signature and record in full in a properly indexed book kept for the purpose all ordinances adopted by the mayor and council.
- (b) The mayor and council shall provide for the preparation of a general codification of all of the ordinances of the city having the force and effect of law. The general codification shall be adopted by the mayor and council by ordinance and shall be published promptly, together with all amendments thereto, any codes of technical regulations and other rules and regulations as the mayor and council may specify. This compilation shall be known and cited officially as "The Code of the City of Warner Robins, Georgia." Copies of the code shall be furnished to all officers, departments and agencies of the city, and made available for purchase by the public at a reasonable price.
- (c) The mayor and council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at a reasonable price.
- (d) Following publication of the first code under this charter and at all times thereafter, any ordinances and charter amendments thereafter adopted shall be printed in substantially the same style as the code then currently in effect and shall be suitable in form for incorporation therein. The mayor and council shall make any further arrangements as deemed desirable with respect to reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

PART 3. - ELECTION AND REMOVAL

CHAPTER 1. - CONDUCT OF ELECTIONS

Sec. 3-101. - Application of general laws.

All municipal general or special elections and primaries shall be held and conducted in accordance with Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code," as now or hereafter amended.

(Ga. Laws 1990, p. 35-34, § 4)

Sec. 3-102. - Regular elections, time for holding.

- (a) The mayor elected at the municipal election in 1992 and the members of the council elected at the municipal election in 1990 to Posts 2, 4, and 6 shall continue to serve out the terms of office to which they were elected. The members elected at the municipal election in 1988 to Posts 1, 3, and 5 and continuing in office pursuant to court order shall serve for a term of office which expires the day following the day that the results of the special election provided for in subsection (d) of this section are certified to the Secretary of State.
- (b) (1) After the special election in 1993 and the regular election in 1995, the council shall have four (4) district councilmembers and two (2) councilmembers at large. The entire electorate of the City of Warner Robins shall be entitled to vote in the elections for mayor and councilmembers at large. The mayor and councilmembers at large shall be residents of the City of Warner Robins. Each district councilmember shall be a resident of the council district he or she represents and shall be elected only by the voters of the council district he or she represents. Any councilmember or the mayor who removes his or her residence from the City of Warner Robins or, in the case of a district councilmember, from the council district from which elected shall thereby vacate his or her office.
- (2) The mayor and councilmembers must each receive a majority of the votes cast in order to be elected to the office for which they are candidates. In the event that no candidate receives a majority of the votes cast in a particular race, the two (2) candidates receiving the highest number of votes shall participate in a run-off election which shall be held twenty-one (21) days after the date of the general election.
- (3) Except as otherwise provided by court order in effect on the effective date of the Act, except as provided for the term of office of the mayor elected at the 1992 election, and except for the members elected at the special election in 1993, the terms of office of the mayor and members of the council shall be four (4) years. The mayor and members of the council shall serve their terms of office and until their successors are elected and qualified.
- (c) (1) For the purpose of electing the four (4) district councilmembers, the territory of the City of Warner Robins shall be divided into four (4) council district as follows:

Council District 3:

Houston County:

Census Tract 209.00

Blocks 1001 through 1017, 2000 through 2027, 4006, 4017, 4018, 4020 through 4035

Census Tract 210.00

Blocks 1003 through 1013, 1020 through 1026, 3004 through 3006, 3011 through 3014, 4003 through 4014, 4016 through 4032

Census Tract 211.03

Blocks 3034, 3058, 3069, 3081, 3082, 3084, 3085, 3092 through 3094, 4002, 4003

Census Tract 211.05

Blocks 1000 through 1010, 2000, 2001, 2004, 2006 through 2020, 2031, 2043, 2045 through 2048, 2063 through 2067, 3014, 3016 through 3018

Blocks 4000, 4004, 4005, 4007 through 4015, 4017 through 4026

Census Tract 211.07

Blocks 1004 through 1016, 1025, 1027, 2000 through 2017, 2020, 2022, 2026 through 2028, 2030 through 2032, 2043, 2046, 2047, 3002, 3003, 3005, 3006, 3017, 3020, 3022 through 3024, 3028 through 3030, 3037, 3045, 4000, 4001, 4005 through 4007, 4010 through 4012, 4015 through 4017, 4025 through 4035, 4042, 4044, 4045, 4053, 4054, 4057 through 4066

Census Tract 211.08

Blocks 1001, 1005, 1007, 1011, 1017, 1020 through 1022, 1024 through 1027, 1061, 1062, 2012, 2016, 2018, 2019, 2020, 2027, 2029, 2032, 2033

Census Tract 211.13

Blocks 2077, 2079 through 2082, 2087 through 2090, 2095, 2100 through 2104, 2106 through 2109, 2112, 2113, 2118, 2120, 2140, 2141, 2143, 2150, 2162

Census Tract 212.01

Blocks 1001, 1005, 1007 through 1010, 1063, 1085, 1087 through 1090, 1099, 1101, 1104, 1107, 1108, 1111 through 1115, 1121 through 1127

Council District 4:

Houston County:

Census Tract 201.09

Blocks 1057 through 1062, 1064 through 1068, 1070, 1073

Blocks 2040 through 2046, 2048 through 2053, 2055 through 2058, 2066, 2070, 2073

Census Tract 202.00

Blocks 2004, 2007, 4065 through 4067

Census Tract 210.00

Blocks 2025 and 3015

Census Tract 211.04

Blocks 1030, 2004 through 2007, 2009 through 2011, 2031 through 2042, 2067, 2070, 2074 through 2076, 2080 through 2082, 3007, 3011, 3012, 3014, 3016 through 3021, 3023, 3027, 3028, 3030, 3031, 3036 through 3038, 3042, 5000, 5001, 5003 through 5010, 5014, 5016 through 5022

Census Tract 211.05

Blocks 2021 through 2030, 2032 through 2037, 2039, 2041, 2042, 2050, 2051, 2054 through 2058

Census Tract 211.07

Block 2036

Census Tract 211.08

Blocks 2000 through 2002, 2007, 2008, 2039

Census Tract 211.13

Blocks 1003 through 1008, 1010 through 1012, 1014 through 1018, 1020 through 1022, 1024, 1029, 1030, 1034, 1037, 1040, 1042 through 1047, 1049, 1050, 1053 through 1058, 1062, 1063, 1068, 1069, 1074 through 1078, 1080 through 1082, 1084, 1087 through 1089, 1093 through 1097, 1099, 1102, 2000 through 2007, 2009, 2010, 2013 through 2019, 2022 through 2027, 2030 through 2032, 2036, 2037, 2041 through 2047, 2049, 2051 through 2058, 2063, 2065, 2066, 2072 through 2074, 2121, 2122, 2127, 2128, 2131, 2139, 2148, 2155 through 2161, 3010, 3011, 3039, 3040, 3045

Peach County

Census Tract 401.01

Blocks 1000, 1002, 1010, 1012 through 1014, 1059, 1065 through 1069, 1115 through 1119, 1121

Census Tract 401.02

Blocks 3068, 3069, 3081, 3086, 3087, 3091, 3103, 3105, 3106, 3122

Council District 5:

Houston County

Census Tract 201.05

Blocks 2001 through 2003, 2007, 2011 through 2014, 2016 through 2021, 2023, 2024, 2026 through 2028

Census Tract 201.06

Blocks 1093, 1097 through 1099, 1100, 1103 through 1107, 1109, 1112

Census Tract 203.00

Blocks 1009 through 1023, 2000 through 2025, 3000 through 3014, 4000 through 4026, 4028, 5004, 5007, 5008, 5010 through 5013, 5015, 5016, 5019 through 5031

Census Tract 204.00

Blocks 1012 through 1040, 1043 through 1049, 1053 through 1057, 1059, 2002 through 2041, 2046 through 2057

Census Tract 206.00

Blocks 1125, 2001 through 2004, 2014 through 2018, 2030, 2032, 2033, 2054 through 2056, 2075 through 2077, 2081 through 2083

Census Tract 207.00

Blocks 1000 through 1022, 2001 through 2007, 2010 through 2027, 2030 through 2035, 2037, 2038, 2040, 2044, 2047, 2048, 2050, 2051, 3000 through 3022

Census Tract 208.00

Blocks 1000 through 1025, 2000 through 2005, 2009 through 2013, 2019 through 2021

Census Tract 211.03

Blocks 1006, 1007, 1033 through 1035, 2000, 2001, 2012, 2035 through 2039

Census Tract 211.05

Blocks 3002 through 3013, 3019 through 3022, 3024, 3027 through 3029, 3032

Census Tract 211.07

Blocks 1001, 1019, 1020

Council District 6:

Houston County

Census Tract 201.05

Blocks 1000 through 1034, 2005, 2006, 2022, 3000 through 3011, 3013 through 3017

Census Tract 201.06

Blocks 1027, 1029, 1030, 1081, 1084, 1090

Census Tract 201.08

Blocks 2010 through 2012, 2014 through 2019, 2022, 2023, 2034, 2035, 2043, 2044, 3057 through 3059

Census Tract 201.09

Block 1079

Census Tract 202.00

Blocks 1000 through 1031, 2000 through 2003, 2005, 2006, 2011 through 2017, 3000 through 3008, 3011 through 3017, 4000 through 4006, 4021, 4022, 4045 through 4052, 4054, 4062

Census Tract 203.00

Blocks 4027, 4029 through 4032

Census Tract 204.00

Blocks 1000 through 1011, 1050 through 1052, 1058, 1060, 1061

Census Tract 208.00

Blocks 2006 through 2008, 2014 through 2018

Census Tract 209.00

Blocks 1000, 3000 through 3020, 4000 through 4005, 4007 through 4016, 4019

Census Tract 210.00

Blocks 1000 through 1002, 1014 through 1019, 2000 through 2003, 2005 through 2016, 2018 through 2021, 2023, 2024, 2030, 2031, 3000 through 3003, 3007 through 3010, 4000 through 4002, 4015

Census Tract 211.04

Blocks 1000 through 1003, 1005, 1007, 1008, 1013, 1017, 1020, 1021, 1023 through 1029, 1031, 1035, 2000 through 2003, 2008, 2012 through 2018, 2024 through 2030, 4000 through 4002, 4004 through 4014, 4016, 4018, 4020, 4023, 4024, 4026, 4027

- (2) For the purposes of this subsection:
- (A) The terms "Tract," "Block," and "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia;
  - (B) The term "Precinct" is synonymous with the term "voting precinct" and means a geographical area designated by Article 7 of Chapter 2 or 3 of Title 21 of the O.C.G.A., within which all electors vote at one polling place;
  - (C) Precinct names and designations following VTD designations are included for convenience only; and in the event that description of any council district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD as shown on the census maps for the United States decennial census of 2010 for the State of Georgia shall control;
  - (D) Any part of the City of Warner Robins which is not included in any council district described in this subsection shall be included within the council district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia; and
  - (E) Any part of the City of Warner Robins which is described in this subsection as being included in a particular council district shall nevertheless not be included within such council district if such part is not contiguous to such council district. Such noncontiguous part shall instead be included within that council district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.
- (d) (1) The regular election for the City of Warner Robins shall be held on the Tuesday next following the first Monday in November in each odd-numbered year.
- (2) (A) The superintendent as provided for in Code Section 21-3-8 of the O.C.G.A. shall conduct a special election within forty-five (45) days following the approval of this Act by the United States Attorney General or as soon thereafter as legally permitted for the purpose of electing certain members to the council as provided in this subparagraph. The superintendent shall issue the call therefor as provided by law. The special election shall be conducted pursuant to the provisions of Chapter 3 of Title 21 of O.C.G.A. At such special election, members shall be elected to the council from Council Districts 3 and 5 and the at-large member shall be elected to Post 1 for terms of office which expire December 31, 1997. From the commencement of their terms of office following their election and until the expiration of the terms of members elected to the council in 1990, the council shall consist of the three (3) members elected as the 1993 special election as provided in this subparagraph and the three (3) members elected to the

council in 1990 to Posts 2, 4, and 6 or any successor to such a member who is filling a vacancy for an unexpired term.

- (B) At the regular election in 1995, members shall be elected to the council from Council Districts 4 and 6 and the at-large member shall be elected to Post 2. From the commencement of their terms of office on the first day of January following their election and thereafter, the council shall consist of four (4) district councilmembers and two (2) councilmembers at large.
- (C) The mayor elected at the municipal election in 1992 shall serve for a term of office which expires December 31, 1997.
- (D) Successors to the mayor and members of the council provided for in subparagraphs (A), (B), and (C) of this paragraph shall be elected at the regular election held immediately preceding the expiration of their respective terms of office, shall take office on the first day of January following such election, and shall serve for terms of office of four (4) years and until their successors are elected and qualified.
- (E) After the 1993 special election and the 1995 regular election, members elected to the council from Council Districts 3, 4, 5, and 6 may be referred to as the members of the council elected to Posts 3, 4, 5, and 6, respectively.

(Ga. Laws 1990, p. 35-34, § 5; Ga. Laws 1993, H.B. 570, § 3; Res. of 1-21-97; Ord. No. 22-03, § 1, 3-17-03; Ord. No. 34-03, § 1, 5-5-03; Ord. No. 12-11, §§ 1, 2, 6-6-11)

**State Law reference**— Terms of office, O.C.G.A. § 21-3-60 et seq.; municipal election dates, O.C.G.A. § 21-3-51 et seq.

Sec. 3-103. - Vacancies; special elections; appointments.

- (a) In the event of any permanent vacancy in the office of the mayor or any council member by death, resignation, or for any other cause other than the regular expiration of the term of office, the vacancy or vacancies shall be filled by special election to be held within forty-five (45) days after such vacancy occurs and in such event the mayor or council member, as the case may be, after taking the oath of office, shall take office immediately.
- (b) If, however, any such permanent vacancy in the council should occur within one (1) year of the regular expiration of the term of office, such vacancy shall be filled by appointment of a duly qualified person by the mayor and remaining members of the council.
- (c) If any such permanent vacancy in the office of mayor should occur within one (1) year of the regular expiration of the term of office, such vacancy shall be filled by the mayor pro tempore for the remainder of the term of office, and the vacancy in the council shall remain unfilled until the next city election. A suspension by the governor of the mayor or any council member shall create a temporary vacancy of the office, which shall be filled by appointment of a duly qualified person by the remaining members of the governing authority for the duration of such temporary vacancy. A councilmember may be appointed to fill a temporary vacancy in the office of mayor.
- (d) With respect to a vacancy in the office of a district councilmember, any person appointed to fill such vacancy as provided in this section shall be a resident of such council district; and any person elected at a special election to fill such a vacancy as provided in this section shall be elected solely by the voters of the council district wherein the vacancy has occurred voting in special election thereon.

(Ga. Laws 1987, p. 4174, § 3(Ga. Laws 1987, p. 4174, § 3; Ga. Laws 1993, H.B. 570, § 4; Ga. Laws 1994, H.B. 1602, § 3)

**State Law reference**— Date of special elections, O.C.G.A. § 21-3-52 et seq.

Sec. 3-104. - Voter registration.

The mayor and council shall direct that the city shall use the Houston County voter registration list, and any person who is a resident of the city and who is registered as an elector with the board of registrars of Houston County shall be eligible to vote in any municipal primary or election.

(Ord. No. 57-85, § 1, 9-16-85)

**Editor's note**— Ord. No. 57-85 is published in Ga. Laws 1985, p. 5821.

**State Law reference**— Authority to so provide, O.C.G.A. § 21-3-125(d).

#### CHAPTER 2. - VACANCIES AND REMOVAL FROM OFFICE

Sec. 3-201. - Occurrence of vacancies.

A vacancy in the office of the mayor or council member occurs when a duly elected official fails to qualify or when a person who has been duly elected and qualified dies, resigns, becomes disabled, forfeits the office, is suspended by the governor as provided under state law, or is recalled as provided in Chapter 4 of Title 21 [§ 21-4-1 et seq.] of the O.C.G.A. Such a vacancy shall be filled as provided in section 3-103 of this charter.

(Ga. Laws 1987, p. 4174, § 4)

Sec. 3-202. - Reserved.

[Repealed by Ga. Laws 1987, p. 4174, § 5.]

Sec. 3-203. - Forfeiture of office; suspension.

- (a) The mayor, or any council member, shall forfeit his or her office and it shall be vacant:
- (1) upon conviction in a court of competent jurisdiction, or the entering of a plea of guilty or plea of nolo contendere to a crime involving malfeasance or misfeasance in office, intentional violation of this charter or a felony; or
  - (2) for failure at any time to possess any of the qualifications of office as provided by this charter or by general state law, including failure to remain a resident of the city.
- (b) As provided in Code section 45-5-6 of the O.C.G.A., whenever the mayor or [a] council member shall be indicted for a felony and suspended from office by the governor, then said position shall be temporarily vacant and shall be filled in compliance with section 3-103 of this charter.

(Ga. Laws 1987, p. 4174, § 6)

#### PART 4. - ADMINISTRATION

##### CHAPTER 1. - CITY ATTORNEY

Sec. 4-101. - Appointment and qualifications.

There shall be a city attorney who shall be appointed for a term of one (1) year or at the pleasure of the mayor and council. He or she shall be an active member of the State Bar of Georgia in good standing.

Sec. 4-102. - Duties and responsibilities.

The city attorney shall be legal counsel to the city and perform any other duties as may be provided by ordinance.

#### CHAPTER 2. - CITY CLERK

Sec. 4-201. - Appointment and qualifications.

There shall be a city clerk who shall be appointed and removed as provided in this charter for department heads. He or she shall be chosen solely on the basis of executive, administrative and managerial qualifications.

Sec. 4-202. - Duties and responsibilities.

The city clerk shall be secretary to the mayor and council; keeper of official records and seal of the city; and shall perform any other duties as may be provided by this charter or ordinance.

#### CHAPTER 3. - CITY ORGANIZATION

Sec. 4-301. - City departments and agencies.

Except as provided by this chapter, the departments and agencies of the city shall be created and established by ordinance, and the departments shall be responsible for the performance of the functions and services enumerated therein and as prescribed by administrative regulations of the mayor consistent therewith. The operations and responsibilities of these departments and agencies may be distributed among any divisions, or bureaus, and shall consist of any officers and employees as may be provided by ordinance or administrative regulations consistent therewith.

Sec. 4-302. - Administrative reorganization.

The mayor and council may, by ordinance, organize, combine, consolidate, or discontinue any departments, agencies, or divisions of the city government as it may from time to time deem desirable, consistent with this charter.

#### CHAPTER 4. - PERSONNEL

Sec. 4-401. - Personnel system.

- (a) The mayor and council shall establish by ordinance a personnel system for part of or all city employees and officials as it deems necessary consistent with this charter.
- (b) This system shall provide for classification of positions, the manner and method of publicizing vacancies, employing and appointing personnel, the qualifications of employees, employee evaluations and performance, salaries, hours of employment, vacations, sick leave, special workmen's compensation leave, job security, promotion, demotion, disciplinary procedures, transfer, layoff, removal, welfare of employees, retirement policy, payment of premiums for employee insurance benefits, grievance procedures, service awards, training leave and any other measures that promote the hiring and retaining of capable, diligent and honest career employees.

#### CHAPTER 5. - BOARDS AND COMMISSIONS

Sec. 4-501. - Authority to create.

The mayor and council may, by ordinance, unless otherwise provided by general state law, create commissions and boards which may perform the duties prescribed, including, but not limited to, making studies, conducting research and investigations, holding hearings and preparing recommendations as to needed ordinances and resolutions and for any other purposes authorized.

Sec. 4-502. - Composition; appointment; removal; bylaws.

- (a) The mayor and council may provide by ordinance, unless otherwise provided by general state law, for the manner of appointment, makeup and composition of commissions and boards, their periods of existence, and for the compensation of their members and employees, in whole or in part. The mayor and council may provide by ordinance for reimbursement of the actual and necessary expenses incurred by the members of boards and commissions in the performance of their official duties. The mayor and council shall have the authority to annually appropriate money derived from taxation, contributions, or otherwise for and to these commissions and boards to provide for their operation, either in whole or in part.
- (b) Any vacancy in the office of any member of a board or commission shall be filled for the unexpired term in the manner prescribed for original appointment.
- (c) Any member of a board or commission may be removed from office for cause by a majority vote of all of the council members.
- (d) Each board and commission may establish bylaws, rules and regulations, not inconsistent with this charter, ordinances, or applicable state law, as it deems appropriate and necessary for its internal organization, election of officers, and for the conduct of its affairs, copies of which shall be filed with the city clerk and approved by the mayor and council prior to their being effective.

#### CHAPTER 6. - REGULATION OF CONDUCT

Sec. 4-601. - Declaration of policy.

Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. They, as agents of public purpose, shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is of primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

Sec. 4-602. - Conflict of interest.

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

- (a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair independence of judgment or action in the performance of official duties;
- (b) Engage in or accept private employment or render services for private interests when the employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of judgment or action in the performance of official duties;
- (c) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is engaged or is a member of without proper legal authorization, or use that information to advance the financial or other private interest of that person or others;
- (d) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to the person's knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body he or she is a member of or by which he or she is engaged; provided, however, an elected official who is a

candidate for public office may accept campaign contributions and services in connection with any campaign;

- (e) Represent private interests, other than his or her own, in any action or proceeding against the city or any portion of its government;
- (f) Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which he or she has a substantial financial interest unless such contract is issued pursuant to sealed competitive bids.

**State Law reference**— Voting when personally interested, O.C.G.A. § 36-30-6; city officer or employee selling to city, O.C.G.A. § 16-10-6.

Sec. 4-603. - Disclosure of interest.

Any elected or appointed officer or employee who possesses or who acquires any financial interests as might reasonably tend to create a conflict with the public interest shall make full disclosure in writing to the mayor and council at the time a conflict becomes apparent. The disclosure statements shall be made a matter of public record and be filed with the city clerk. The disclosure shall be made a matter of public record prior to the taking of any vote on the proposal.

Sec. 4-604. - Fair and equal treatment.

No elected or appointed officer or employee shall use that official position to secure or grant special consideration, treatment, advantage, privilege or exemption to any person beyond that which is available to every other person.

Sec. 4-605. - Future employment.

No person who has served as an elected or appointed officer or employee of the city shall, within a period of one (1) year after termination of that service or employment, appear for compensation before any agency of the city, or receive compensation for any services rendered in behalf of any private interests in relation to any case, proceeding or application with respect to which the person was directly concerned, or which was under the person's active consideration, or with respect to which knowledge or information was made available to the person during the period of service or employment.

Sec. 4-606. - Use of public property.

No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by the city for personal benefit, convenience, or profit except in accordance with policies promulgated by the mayor and council or the governing body of the agency or entity.

Sec. 4-607. - Contracts voidable and rescindable.

Any violation of this chapter or state law which occurs with the knowledge, express or implied, of another party to a contract or sale shall render the contract or sale involved voidable and rescindable as to that party, at the option of the mayor and council expressed by a motion adopted to that effect.

Sec. 4-608. - Ineligibility of elected officials.

Except where authorized by law, neither the mayor nor any other council member shall hold any other elective or compensated appointive office in the city or otherwise be employed by the city or any agency thereof during the term for which he or she was elected. No former mayor and no other former council member shall hold any employment or compensated appointive office in the city until one (1) year after the expiration of the term for which the official was elected.

Sec. 4-609. - Political activities of certain officers and employees.

No appointive officer or employee of the city shall continue in that employment or service upon qualifying as a candidate for nomination or election to any city elective office.

(Ord. No. 19-01, § 1, 4-2-01)

Sec. 4-610. - Participation in elections.

No appointed officer or employee of the city shall in any manner contribute to any candidate for election to a municipal office of the city or participate in any election, primary or political contests for a municipal office of the city other than by exercising the right to vote, privately expressing political views, or by serving as election officials.

Sec. 4-611. - Penalties for violation.

- (a) Any city officer or employee who knowingly violates any lawful requirement of this charter shall be guilty of malfeasance in office or position and shall be punished as for a misdemeanor.
- (b) Any officer or employee of the city who violates (a) above, shall be ineligible for appointment or election to or employment in a position in the city government for a period of at least three (3) years thereafter.
- (c) The appointing authority may reprimand, put on probation, demote, suspend or discharge an employee or appointed officer found to have violated the standards of conduct established by this chapter.

PART 5. - FINANCE AND FISCAL

CHAPTER 1. - TAXATION AND OTHER REVENUE

Sec. 5-101. - Property tax.

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

**State Law reference**— Municipal ad valorem taxation, O.C.G.A. § 48-5-350 et seq.

Sec. 5-102. - Millage rate; due dates; payment methods.

- (a) The mayor and council shall, by ordinance, establish a millage rate for the city ad valorem tax; a due date; and in what length of time these taxes must be paid.
- (b) The mayor and council, by ordinance, may provide for the payment of these taxes by installments or in one (1) lump sum, as well as to authorize the voluntary payment of taxes prior to the time when due and provide for interest on late installments.

(Res. of 6-4-12, § 1; Ord. No. 21-12, § 1, 7-2-12)

Sec. 5-103. - Occupation and business taxes.

The mayor and council, by ordinance, shall have the power to levy any occupation or business taxes as are not denied by general state law. These taxes may be levied on both individuals, partnerships and corporations who transact business in the city or who practice or offer to practice any profession or calling therein to the extent the persons have a constitutionally sufficient nexus to the city to be so taxed. These taxes may be levied and imposed on a fixed rate or gross receipts basis or any combination thereof. The mayor and council may classify businesses, occupations, professions or callings for the purpose of these taxes in any manner as is reasonable and payment of these taxes may be compelled as provided in section 5-108 of this chapter.

**State Law reference**— Occupation taxes, O.C.G.A. § 48-13-1 et seq.

Sec. 5-104. - Licenses; permits; fees.

The mayor and council, by ordinance, shall have the power to require any individuals or corporations who transact business in the city or who practice or offer to practice any profession or calling therein to obtain a license or permit for these activities from the city and to pay a reasonable fee for the license or permit where the activities are not now regulated by general state law in such a way as to preclude city regulation. These fees may reflect the total cost to the city of regulating the activity and if unpaid shall be collected as provided in section 5-108. The mayor and council, by ordinance, may establish reasonable requirements for obtaining or keeping licenses as the public health, safety, and welfare necessitates; including but not limited to denial or revocation for any violation of federal or state law or city ordinances involving the operation of the licensed business.

Sec. 5-105. - Service charges.

The mayor and council, by ordinance, shall have the power to assess and collect fees, charges and tolls for water, sewer, sanitary and health services, or any other services rendered within or without the corporate limits of the city. If unpaid, these charges or fees shall be collected as provided in section 5-108.

**State Law reference**— Authority to fix fees for health and utility services, O.C.G.A. § 36-34-4 et seq.

Sec. 5-106. - Special assessment.

The mayor and council, by ordinance, shall have the power to assess and collect the cost of constructing, reconstructing, widening or improving any public way, street, sidewalk, curbing, gutters, sewers, drainage structures or other utility mains and appurtenances from the abutting property owners under any terms and conditions as are reasonable. If unpaid, these charges shall be collected as provided in section 5-108.

Sec. 5-107. - Interpretation; other taxes.

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

Sec. 5-108. - Collection of delinquent taxes and fees.

The mayor and council, by ordinance, may provide generally for the collection of delinquent taxes, fees or other revenue due the city under this charter or general state law by whatever reasonable means as are not precluded by general state law. This shall include providing for the dates when the taxes, fees or other revenues are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes, fees and other revenues, personal debts of the persons required to pay the taxes, fees or other revenues imposes [imposed]; revoking city licenses for failure to

pay any city taxes, fees or other revenues; allowing exceptions for hardship; providing for the assignment or transfer of executions and collection of transferred executions; providing for the billing and collecting of principal, interest and costs of delinquent executions as an addition to and a part of the annual ad valorem tax bill.

Sec. 5-109. - Collection of delinquent water bills.

The mayor and council of Warner Robins may enforce the collection of delinquent charges for products and services such as water, sewerage, and sanitation services, by execution to be issued by the city clerk against the owners of the premises and such other persons as may be liable therefor, when such rents and charges are due and remain unpaid for a period of twenty (20) days. The said execution shall become a lien upon the premises when recorded in the general execution docket of Houston County, Georgia, and shall be collected as a lien for city taxes.

The mayor may, at his discretion, cause the sales or services, to present or subsequent owners, to be discontinued until the unpaid rents or charges are paid, or take other steps that he considers necessary, to collect the delinquent charges or rents.

(Ord. No. 48-88, § 1, 8-15-88)

**Editor's note**— Ord. No. 48-88 is published in Ga. Laws 1989, p. 5265.

CHAPTER 2. - BORROWING AND INDEBTEDNESS<sup>121</sup>

Footnotes:

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**State Law reference**— Municipal bonds, O.C.G.A. § 36-82-1 et seq.

Sec. 5-201. - General obligation bonds.

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

Sec. 5-202. - Determination of millage necessary to retire proposed bonded indebtedness.

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

Sec. 5-203. - Revenue bonds.

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

**State Law reference**— Revenue bonds, Ga. Const. art. IX, § VI; O.C.G.A. § 36-82-60 et seq.

Sec. 5-204. - Refunding revenue bonds.

- (a) The City of Warner Robins acting through its governing body may exercise all powers granted to municipalities under the Revenue Bond Law (Ga. Laws 1937, p. 761) [O.C.G.A. § 36-82-60 et seq.], as amended, and is hereby further authorized to refund any outstanding revenue bonds by the issuance of revenue refunding bonds in an amount not greater than the aggregate of principal and interest to the date of redemption and redemption premiums on the revenue bonds to be refunded. Said revenue refunding bonds may be issued at any time not more than fifteen (15) years prior to the date that the refunded bonds are to be retired, either at maturity or pursuant to a call for redemption or both. Pending the retirement of the revenue bonds being refunded the city shall deposit a sufficient portion of the proceeds of such revenue refunding bonds, together with any other legally available funds, in escrow to pay principal, interest and redemption premiums on the revenue bonds to be refunded, and some or all money so deposited may be invested in direct obligations of the United States of America or any of its agencies or in obligations guaranteed as to principal and interest by the United States of America. In determining the sufficiency of such deposit, the city may include interest to be received on such investments.
- (b) The city shall, upon depositing in escrow the proceeds of any revenue refunding bonds hereunder, enter into an agreement with the bank holding such deposit and said agreement shall require said bank, among other things, to hold the investments and liquidate the same without further instructions from the city when necessary to pay principal, interest and redemption premiums on the revenue bonds refunded and may require such bank to publish on behalf of the city, one (1) or more notices of redemption of the revenue bonds to be refunded.
- (c) The validity of revenue refunding bonds issued hereunder may be determined by proceedings in the Superior Court of Houston County, Georgia. Such proceedings shall be brought and conducted, and may be intervened in and may be appealed from in the same manner, and shall have the same effect, as is provided in the Revenue Bond Law (Ga. Laws 1937, p. 761) [O.C.G.A. § 36-82-60 et seq.], as amended. If the aforementioned agreement governing the deposit of revenue refunding bond proceeds is attached as an exhibit to the resolution authorizing said revenue refunding bonds, the court upon validation shall determine the validity of said agreement as well as the validity of said revenue refunding bonds.
- (d) Such revenue refunding bonds shall constitute investment securities under the Uniform Commercial Code but no financing statement nor continuation statement need to be filed to protect or perfect the interest of the holders of said revenue refunding bonds in the revenues pledged to their payment. Such revenue refunding bonds may be secured by pledge of all or any portion of the revenues to be derived from the operation of one or more revenue-producing facilities of the city after payment of the reasonable and necessary expenses of operation and maintenance, and such revenues need not be limited to revenues pledged to the revenue bonds refunded. Revenue refunding bonds shall not be payable from or charged upon any funds other than the revenues pledged to the payment thereof, nor shall the city be subject to any pecuniary liability thereon. No holder or holders of any such revenue refunding bonds shall ever have the right to compel any exercise of the taxing power of the city to pay any such revenue refunding bonds or the interest thereof, nor to enforce payment thereof against any property of the city; nor shall any such bonds constitute a lien upon any property of the city. Each bond issued under this section shall contain a recital setting forth the substance of the preceding two (2) sentences.
- (e) Revenue refunding bonds issued hereunder or the resolution providing for their issuance may contain such provisions for the security of said revenue refunding bonds as the governing body may determine, including such covenants and rights to a receiver upon default as are provided for in the Revenue Bond Law (Ga. Laws 1937, p. 761) [O.C.G.A. § 36-82-60 et seq.], and may be issued in one (1) or more series, may be sold in such manner, may bear such date or dates, may mature at such time or times, not exceeding 40 years from their respective dates; may bear interest at such rate or rates, not exceeding nine percent (9%), per annum, payable at such time or times; may be payable in such medium of payment at such place or places; may be in such denomination or denominations; may be in such form either coupon or registered; may carry such registration, conversion, and exchangeability privileges; may be subject to such terms of redemption with or

without premium; may be declared or become due before the maturity date thereof; may be executed in such manner; and may contain such terms, covenants, assignments and conditions as the resolution or resolutions authorizing the issuance of such bonds may provide. All bonds issued under this section bearing the signature of officers in office on the date of the signing thereof shall be valid and binding notwithstanding that before the delivery thereof, and payment therefor, such officers whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same. Pending the preparation of the definitive bonds, interim receipts, in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds to be issued under this section. Said bonds shall be and are hereby declared to be nontaxable for any and all purposes.

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

**State Law reference**— Repeal of portions of laws limiting interest rates on bonds and authority to fix interest rate by ordinance, O.C.G.A. § 36-82-122.

Sec. 5-205. - Short term notes.

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

**State Law reference**— Temporary loans, Ga. Const. art. IX, § V, ¶ V.

CHAPTER 3. - FINANCIAL POLICY<sup>3</sup>

Footnotes:

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**Editor's note**— A resolution adopted June 4, 2012, changed the title of Ch. 3 from fiscal control to financial policy.

**Editor's note**— Ord. No. 21-12, § 2, adopted July 2, 2012, repealed the former Pt. 5, Ch. 3, §§ 5-301—5-309, and enacted a new Pt. 5, Ch. 3 as set out herein. The former Pt. 5, Ch. 3 pertained to similar subject matter and derived from Res. of June 4, 2012, § 2.

Sec. 5-301. - Purpose.

The purpose of this statement of financial policy of the city is to serve as a foundation for long and short term range planning, facilitate decision making, and provide direction to the Governing Body and operational staff for handling the city's day-to-day financial business. Because of the board and diverse nature of the city's departments, committees and blended component units, having written defined financial policies minimizes the risk of developing conflicting or inconsistent goals and objectives which could have a negative impact on the overall financial condition of the city.

(Ord. No. 21-12, § 2, 7-2-12)

Sec. 5-302. - Fiscal year.

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

(Ord. No. 21-12, § 2, 7-2-12)

Sec. 5-303. - Municipal budget policy.

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

The mayor and council shall not appropriate funds for any given fiscal year, which, in aggregate, exceed a sum equal to the amount of unappropriated surplus expected to have accrued in the city treasury at the beginning of the fiscal year, together with an amount not greater than the total municipal receipts from existing revenue sources anticipated to be collected in the fiscal year, less refunds as estimated in the budget report and amendments thereto.

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

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

The adoption of an annual budget for the next fiscal year shall not in itself constitute specific approval for the expenditures identified therein which shall be subject to the requirements of section 5-401 of this charter.

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

- (a) *Budget calendar.* The mayor shall submit to the council at least six (6) weeks prior to the start of the municipal fiscal year a budget message and a budget report. The mayor shall submit to the council at least sixty (60) days prior to the start of the fiscal year a draft of the recommended municipal appropriations ordinance in a form and manner as may be prescribed by ordinance, which shall provide for the appropriation of the funds necessary to operate all the various departments, and to meet the current expenses of the city for the next fiscal year.
- (b) *Budget ordinance.* Each municipal appropriations ordinance, now of force or hereafter adopted with all amendments as are adopted from time to time, shall continue in force and effect for the next fiscal year after adoption and it shall then expire except for any mandatory appropriations required to meet contractual obligations or the continued appropriation and authorization of state or federal grants.
- (c) *Supplementary appropriations.*
  - (1) In addition to the appropriations made by the municipal appropriations ordinance and amendments thereto, the mayor and council may make additional appropriations in the same manner as herein provided, which shall be known as supplementary appropriations ordinances, provided no supplementary appropriation shall be made unless there is an unappropriated surplus in the city treasury or the revenue necessary to pay the appropriation has been collected into the general fund of the city treasury as provided by law.
  - (2) In no event shall a supplementary appropriations ordinance continue in force and effect beyond the expiration of the municipal appropriations ordinance in effect when the supplementary appropriations ordinance was adopted and approved.
- (d) *Operating budget policies.*

- (1) The city will finance all current expenditures with current revenues and will avoid budgetary procedures that balance current expenditures through the obligation of future resources. The city will avoid using short term financing to meet operating budget requirements.
- (2) All governmental funds (general, special revenue and capital project) budgets must be balanced. Budgets for proprietary funds (enterprises and internal service) will be prepared to establish fees and charges and to maintain managerial control.
- (3) The city budget shall be adopted at the legal level of control, which is the fund/department level (i.e, expenditures may not exceed the total for any department within a fund).
- (4) Transfers of appropriations within a department shall require the approval of the mayor. Transfers of appropriations between departments or funds, an increase in personal services appropriation(s), or an increase in the level of authorized positions shall require approval of the mayor and council.
- (5) Department directors and elected officials are directed to operate within budget limitations to prevent "emergency" situations.
- (6) The city will maintain a budgetary accounting control system to ensure adherence to the adopted annual budget, and will prepare timely financial reports comparing actual revenues and expenditures with budgeted amounts.
- (7) All budgets will be adopted on a basis of accounting consistent with generally accepted accounting principles (GAAP) as applicable to governments, including all relevant Government Accounting Standards Board (GASB).

(Ord. No. 21-12, § 2, 7-2-12; Ord. No. 06-18, § 1, 2-5-18)

Sec. 5-304. - Fund balance policy for all funds of the city.

- (1) The city shall maintain a prudent level of financial resources to protect against disruptions of City provided services due to temporary revenue shortfalls, unpredicted one-time expenditures, natural disasters or emergencies and to maintain sufficient working capital and cash flow to meet current financial needs at all times.
- (2) The city's definition of fund balance for its governmental fund types will conform to generally accepted accounting principles (GAAP) as applicable to governments, including all relevant Government Accounting Standards Board (GASB).
- (3) In accordance with GASB 54, the city's fund balance classifications and definitions are:

*Assigned* — financial resources whose use is restricted by management based on the intended use of those resources per the governing authority of the city;

*Committed* — financial resources whose use is restricted by action of the governing authority of the city which will remain binding unless removed in the same matter creating the restriction;

*Nonspendable* — financial resources that will never convert to cash, that will not convert to cash soon enough to affect the current period, or that must be maintained intact pursuant to legal or contractual requirements;

*Restricted* — financial resources that are subject to externally enforceable legal restrictions such as debt covenants, federal or state grant requirements, private donors/contributors, or other governmental entities;

*Unassigned* — any residual net resources available after consideration of designation of nonspendable, restricted, committed or assigned fund balance.

- (4) The city's general fund may maintain all five (5) components of fund balance.
- (5) The lowest level of fund balance classification for the city's special revenue funds will be committed fund balance. Committed fund balance will be used first when paying expenses, unless the expense is for purchases which were listed as being used from restricted fund balance classification.
- (6) The lowest level of fund balance classification for the city's capital project funds will be assigned fund balance for the funding of specific projects. An assigned fund balance will be spent first, unless the expenditure(s) are tied to a restricted fund balance amount. Once a project is completed, any fund balance remaining will be transferred back to the fund(s) which were the original funding source.
- (7) By their nature, any debt service funds will only classify fund balances as nonspendable or restricted. When debt expenses are paid, the city will use restricted fund balance first. All debt services funds will maintain a fund balance at a level to retire the debt. Once all debt is retired, or the fund balance is sufficient to retire all remaining debt, any remaining fund balance will be transferred to other city funds or projects as directed by the governing authority.
- (8) The city shall maintain as an ending unassigned fund balance for its general fund of at least three (3) months of its prior fiscal year's actual amounts budgetary basis operating expenditures of its general fund as reflected in the city's most recent annual audit report's statement of "Budgetary Comparison Schedule—General Fund." In the event that governmental accounting standards change which eliminates the inclusion of the "Budgetary Comparison Schedule—General Fund," a statement of similar nature should be used in its place.
- (9) General fund unassigned fund balances which exceed the minimum level established by this policy may be appropriated by the governing body for non-recurring capital projects, equipment or other operating uses.
- (10) Should the general fund's unassigned fund balance fall below the minimum targeted level as defined in this policy, the governing authority must approve and adopt a plan to restore the general fund's unassigned fund balance to its target level within a twenty-four (24) month period. If due to severe financial hardship of the city, the general fund's unassigned fund balance cannot be restored within this period, the governing authority shall establish a different time period.
- (11) The city's governing authority shall avoid the appropriation of general fund's unassigned fund balance for recurring operating or capital expenditures unless there is some extraordinary, non-recurring event which would require the appropriation in order to meet the needs of the citizenry or an emergency.
- (12) The city shall classify its enterprise funds' net assets as Restricted, Unrestricted or Invested in Capital Assets. The city's Unrestricted Net Assets of all of its enterprise funds should be sufficient to cover operating expenses and infrastructure replacements. Unrestricted Net Assets will be spent first, unless the expense was for a restricted asset.

(Ord. No. 21-12, § 2, 7-2-12; Ord. No. 46-17, § 1, 9-5-17; Ord. No. 24-18, § 1, 8-20-18)

Sec. 5-305. - Revenue administration policy.

- (1) The city will strive to maintain a diversified and stable revenue stream to protect against short term fluctuations in any single revenue source.
- (2) The city will estimate its revenues by an objective analytical process in a prudent manner.
- (3) The city will follow a policy of paying for services with user charges where practical to reduce the reliance on taxes and other general revenue sources.
- (4) The city will seek public and private grants, contracts and other outside sources of revenues for funding projects where appropriate.

- (5) The city will establish the levels of all user charges based on an analysis of the cost of providing the service(s). User charges will be evaluated periodically.
- (6) The city shall set fees for each enterprise and internal service fund at a level that fully supports the total direct and indirect cost of the fund.
- (7) The city shall not set user fees for its enterprise funds which results in extra income to be used to subsidize the services of any governmental fund.

(Ord. No. 21-12, § 2, 7-2-12)

Sec. 5-306. - Accounting and auditing policy.

- (1) As provided in Section 2-204 Independent Audits, audits of all funds of the city will be in compliance with Generally Accepted Audit Standards as issued by Auditing Standards Board of the America Institute of Certified Public Accountants and Government Auditing Standards as issued by the Comptroller General of the United States of America.
- (2) The city's annual financial report will be prepared in accordance with generally accepted accounting principles (GAAP) as issued by the Financial Accounting Standards Board of the America Institute of Certified Public Accountants and with generally accepted governmental accounting principles as issued by the Governmental Accounting Standards Board.
- (3) The city will maintain accurate records of all its assets to insure a high degree of stewardship for public property.
- (4) The city shall maintain an ongoing system of financial reporting to meet the needs of the mayor and council, department directors, and the general public. The reporting system will provide for budgetary control, for monitoring of the cost of providing services, and for comparative analysis.

(Ord. No. 21-12, § 2, 7-2-12)

Sec. 5-307. - Debt policy.

- (1) The city's direct general obligation indebtedness shall conform to limits contained in the Constitution of the State of Georgia (ten (10) percent of assessed value of all taxable property within the city's limits).
- (2) The city shall confine long term indebtedness to capital improvements projects.
- (3) The city will strive to not use short term debt for funding current operations.
- (4) The city will use voted general obligation debt to fund general purpose public improvements which cannot be financed from current revenues, available general fund balances, or other current sources of capital financing.
- (5) Long term financing of the city's enterprise funds will be used only when revenues of the debt issuing fund is sufficient to satisfy operating expenses and debt service requirements.

(Ord. No. 21-12, § 2, 7-2-12)

Sec. 5-308. - Investment policy and cash management.

- (1) The city will maintain a conservative program of investing all funds under the direction of the mayor and the chief financial officer.
- (2) The city investment program shall comply with all state and federal laws, rules and regulations for investing public funds and with safekeeping/security requirements.

- (3) The city's investment program shall be operating based on these principles:
  - (a) *Safety* — Principal is protected from loss with secure investment practices and collateralization.
  - (b) *Liquidity* — Investments are readily convertible to cash when needed without incurring principal losses.
  - (c) *Return of investment* — Earning yields are maximized without diminishing the above principles.
- (4) The city shall ensure that all public funds are collateralized in accordance with state and federal law, thereby guaranteeing the safety of public deposits. The city will establish administrative procedures to maintain such pledged collateral and will utilize pooled collateral systems provided by the state and local depositories when possible.
- (5) The city will periodically reevaluate its banking services and will initiate competitive negotiation and bidding processes, if deemed necessary. The process will include the development of an RFP requesting quotations for banking services, services fees and earning rates available. Selection of a bank for banking services will be based on receiving the most efficient and cost effective proposals.

(Ord. No. 21-12, § 2, 7-2-12)

Sec. 5-309. - Monetary receipt policy.

- (1) The policy of the city is that all liquid monetary assets are properly, completely and timely accounted for on a daily basis. It is the duty of the city's elected officials, management and employee to the citizens of the city to ensure that all monetary assets received by the city are recorded for occurrence and completeness, physically secured and controlled, deposited timely, and allocated to city's general ledger accounts in a timely and efficient manner. Liquid monetary assets are defined as cash, checks, credit cards payment, electronic payments, ACH (Automated Clearinghouse) or wires payments.
- (2) The purpose of this policy is:
  - (a) To maximize the revenue accruing to the city through the investment of city funds and any trust funds to the extent allowed by law, ordinance, and contract.
  - (b) To minimize the clerical efforts required to handle, process, and account for all monies received.
  - (c) To maximize the accountability of monies received by the city.
- (3) All monetary assets received by offices of the city, or any of its related entities, shall be deposited timely, meaning within two (2) working days, into the city's banking system(s).
- (4) Department directors/supervisors are responsible for the safekeeping of monetary assets received by their departments and the prompt receipting into the city's cash management program, or the prompt transfer to the city clerk's office for receipting into the cash management program.
- (5) All monetary assets received in a day will be deposited in the form in which they are received.
- (6) Cash received shall not be used to pay any city bills, cash personal checks, or be used for any other type of transaction.

(Ord. No. 21-12, § 2, 7-2-12)

CHAPTER 4. - PURCHASING, CONTRACTING AND DISPOSITION OF PROPERTY

Sec. 5-401. - Contracting procedures.

- (a) No contract with the city shall be binding on the city unless:

- (1) It is in writing;
  - (2) It is drawn or submitted to and reviewed by the city attorney, and as a matter of course, is signed by the city attorney to indicate such drafting or review; and
  - (3) It is made or authorized by the mayor and council pursuant to lawfully enacted ordinances.
- (b) The original of all contracts shall be maintained on file in the office of the city clerk.

(Ord. No. 26-80, § 1, 7-21-80; Ord. No. 21-84, § I, 5-21-84; Ord. No. 56-90, § 1, 10-15-90; Ord. No. 63-90, § 1, 11-19-90; Ord. No. 14-93, § 1, 2-16-93)

**Editor's note**— Ord. No. 26-80 is published in Ga. Laws 1980, p. 4745.

**State Law reference**— Bonds required for public works contracts, O.C.G.A. § 36-82-100 et seq.

Sec. 5-402. - Purchasing procedures.

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

Sec. 5-403. - Sale and disposition of property.

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

PART 6. - MUNICIPAL COURTS<sup>[4]</sup>

Footnotes:

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**State Law reference**— Municipal courts, O.C.G.A. § 36-32-1 et seq.

Sec. 6-101. - Creation; jurisdiction.

There shall be a court of the city, to be known as "The Municipal Court of Warner Robins, Georgia," which shall be vested with all the jurisdiction and powers throughout the city generally granted to mayor's, recorder's, or police courts and particularly as to the abatement of nuisances, prosecution of traffic violations and violation of other ordinances of the city.

**State Law reference**— Powers of municipal court, O.C.G.A. § 36-32-3.

Sec. 6-102. - Chief judge; associate judges; appointment; compensation; oath.

- (a) The municipal court shall be presided over by a chief judge and any part-time, full-time or standby associate judges as shall be provided by ordinance and the appointment of each judge shall be for a term of one (1) year or at the pleasure of the mayor and council.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of twenty-one (21) years and shall be a member of the state bar of Georgia and all judges shall be appointed or removed by a majority vote of all council members.

- (c) Compensation of the judges shall be fixed by ordinance.
- (d) Before entering on the duties of the office, each judge shall take an oath given by the mayor, that he or she will honestly and faithfully discharge the duties of office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the council.

Sec. 6-103. - Convening; rules of procedure; powers; punishments.

- (a) The municipal court shall convene at times and dates as may be provided by ordinance but the court shall convene at least once a month.
- (b) The municipal court shall follow such rules and procedures as the chief judge may establish unless otherwise provided by ordinance, this charter, or general state law.
- (c) The mayor and council, by ordinance, may provide for the powers of the municipal court over bail and appearance bonds.
- (d) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer oaths as are necessary.
- (e) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoena and warrants which may be served and executed by any officer as authorized by ordinance or by general state law.
- (f) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and the mayor and council by ordinance shall establish and be entitled to reimbursement of the cost of the meals, transportation and caretaking of prisoners bound over to superior courts for violations of state law. These costs shall be collected by the court in which the case is tried or triable in the same manner as other costs are collected by such court and shall be paid over to the city.
- (g) Unless a lesser penalty is provided by ordinance, the judge of the municipal court shall have the power and authority to impose upon the violator of any law or ordinance, for each violation thereof, the following punishments:
  - (1) A fine not to exceed one thousand dollars (\$1,000.00);
  - (2) Imprisonment in the city prison for a period of not more than twelve (12) months; or
  - (3) Any one or all of these punishments when the facts of the case justify such punishments.

Provided, however, that each contempt of municipal court shall be punishable either by imposition of a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the city prison for a period of time not exceeding thirty (30) days or both.

(Ga. Laws 1980, p. 4189, § 1; Ord. No. 20-84, § I, 5-21-84; Ga. Laws 1985, p. 4218, § 1)

Sec. 6-104. - Appeals.

The right of appeal and any bond as may be required to secure the costs on appeal to the superior court of the county from the municipal court shall lie in the same manner and under the same procedure as generally prescribed for appeals and appeal bonds by state law; provided that any person who fails to file an appeal within ten (10) days of the date of conviction shall be deemed to have waived the right.

PART 7. - GENERAL PROVISIONS

Sec. 7-101. - Ordinances and regulations.

Existing ordinances, resolutions, rules and regulations of the city and its agencies now lawfully in effect not inconsistent with the provisions of this charter shall remain effective until they have been repealed, modified or amended.

Sec. 7-102. - Contracts and obligations; proceeding.

- (a) All contracts, orders, leases, bonds and other obligations or instruments entered into by the city or for its benefit prior to the effective date of this charter shall continue in effect according to the terms thereof, as obligations and rights of the city.
- (b) No action or proceeding of any nature (whether civil or criminal), judicial or administrative, or otherwise, pending at the effective date of this charter by or against the city or its departments and agencies shall be abated or otherwise affected by the adoption of this charter.
- (c) The existing agency and departmental organization of the city shall continue in effect upon the effective date of this charter until such organization is changed or reorganized as provided by ordinance of the mayor and council and administrative regulations consistent therewith.

Sec. 7-103. - Governing body defined.

For purpose of all laws requiring action of the governing body of the City of Warner Robins, such action shall be accomplished by ordinance or resolution unless specifically provided otherwise by the particular law involved. The mayor and council shall be the governing body of the City of Warner Robins.

(Ga. Laws 1994, H.B. 1602, § 4)

Sec. 7-104. - Section captions; rules of construction.

- (a) The captions of the several sections of this charter are informative only and not to be construed as a part thereof.
- (b) The word "shall" in this charter is intended to be mandatory, and the word "may" is not.
- (c) In the construction of this charter, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the adopting body:
  - (1) *City.* The words "the city" or "this city" shall mean the City of Warner Robins, Georgia.
  - (2) *County.* The words "the county" or "this county" shall mean the County of Houston, Georgia.
  - (3) *Gender.* A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
  - (4) *Number.* Words used in the singular include the plural, and the plural includes the singular number.
  - (5) *Or, and.* "Or" may be read "and," and "and" may be read "or" if the sense requires it.
  - (6) *Other officials or officers, etc.* Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "city clerk," "city council," "chief of police," etc., they shall be deemed to refer to the officials, boards, commissions and departments of the City of Warner Robins, Georgia.
  - (7) *Person.* The word "person" shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals.
  - (8) *State.* The words "the state" or "this state" shall be construed to mean the State of Georgia.
  - (9) *Street.* The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public streets and ways in the city and shall embrace all parts thereof constituting the designated right-of-way.

Sec. 7-105. - Severability.

If any provisions of this charter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this charter which can be given effect without the invalid provision or application, and to this end the provisions of this charter are declared to be severable.

Sec. 7-106. - City officers and employees.

All elected or appointed officers and employees of the city immediately prior to the adoption of this act shall continue in their positions until the end of their terms of office or if no term is provided then as otherwise provided by this charter or ordinance.

Sec. 7-107. - General repealer.

All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7-108. - Specific repealer.

- (a) All laws or portions of laws creating, reenacting or amending any and all charters of the City of Warner Robins are hereby repealed including, but not limited to, Ga. L. 1943, p. 1624; 1947, p. 525; 1956, p. 2510; 1956, p. 2699; 1958, p. 3218; 1959, p. 3005; 1962, p. 2152; 1963, p. 3330; 1967, p. 2606; 1968, p. 2283; 1969, p. 3927; 1970, p. 2627; 1971, p. 3580; 1973, p. 3673; 1973, p. 3930; 1974, p. 2172; 1976, p. 3518; 1976, p. 3953; 1977, p. 3467; and 1977, p. 4036.
- (b) Provided, however, that to the extent that portions or provisions of these acts are saved and continued by this charter or are the same as portions or provisions of the prior City Charter, including but not limited to the boundaries of the city, such portions or provisions shall be considered continuations thereof and not as new enactments.

Sec. 7-109. - Effective date.

This charter shall become effective after the adoption of a new City Charter for the City of Warner Robins at the regular 1978 Session of the General Assembly of Georgia and upon its approval by the governor or upon its becoming law without his approval.

RELATED LAWS<sup>[5]</sup>

Footnotes:

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**Editor's note**— Printed herein is local legislation relating to the city that is not a part of the city charter. History notes indicate the source of each section. A printing style consistent with that of the new Code has been used and obvious spelling errors have been corrected.

Sec. 1. - Warner Robins Development Authority.

- A. There is hereby created a body corporate and politic in the City of Warner Robins in Houston County to be known as the Warner Robins Development Authority, which shall be an instrumentality of the City of Warner Robins and a public corporation and which in this amendment is hereafter referred to as the "authority."
- B. The authority shall consist of the mayor of the City of Warner Robins, the President of the Chamber of Commerce of Warner Robins, the chairman of the governing authority of Houston County, and four (4) additional members who shall be appointed by the mayor and council of Warner Robins. The persons so appointed shall be appointed in such a manner that their initial terms of office shall be for

one (1) to four (4) years, respectively. Thereafter, all such members shall serve for terms of office for four (4) years each.

- C. The property, obligations and the interest on the obligations of the authority shall have the same immunity from taxation as the property, obligations and interest on the obligations of the City of Warner Robins, Georgia.
- D. The powers of the authority shall include, but not be limited to, the power:
  - (1) To receive and administer gifts, grants and donations and to administer trusts;
  - (2) To borrow money, to issue notes, bonds and revenue certificates, to execute trust agreements or indentures, and to sell, convey, mortgage, pledge and assign any and all of its funds, property and income as security therefor;
  - (3) To contract with political subdivisions of the State of Georgia and with private persons and corporations and to sue and be sued in its corporate name;
  - (4) To have and exercise usual powers of private corporation except such as are inconsistent with this amendment, including the power to appoint and hire officers, agents and employees and to provide their compensation and duties, which officers and agents may or may not be members of the authority, and the power to adopt and amend a corporate seal and by-laws and regulations for the conduct and management of the authority;
  - (5) To encourage and promote the expansion and development of industrial and commercial facilities in the City of Warner Robins, and to that end to acquire by purchase or gift any building or structure within aforesaid territorial limits suitable for and intended for use as a factory, mill, shop, processing plant, assembly plant, or fabricating plant, including all necessary and appurtenant lands and appurtenances thereto, and all necessary or useful furnishings, machinery and equipment. Such acquisition may be through the acquisition of land and the construction thereon of a building, including the demolition of existing structures, or through the acquisition of an existing building and the remodeling, renovating, reconstructing, furnishing and equipping of such building;
  - (6) No building acquired hereunder shall be operated by the authority but shall be leased or sold to one (1) or more persons, firms or corporations. If sold, the purchase price may be paid at one (1) time or in installments falling due in not more than thirty (30) years from the date of transfer of possession. The lessee or purchaser shall be required to pay all costs of operating and maintaining the building or buildings and to pay rentals or installments sufficient, together with other revenues, which may be pledged for the purpose, to retire all bonds, both principal and interest, and to pay all other expenses which the authority may have incurred in connection with the undertaking;
  - (7) To accumulate its funds from year to year and to invest accumulated funds in any manner that public funds of the State of Georgia or any of its political subdivisions may be invested;
  - (8) To designate officers to sign and act for the authority generally or in any specific matter;
  - (9) To do any and all acts and things necessary or convenient to accomplish the purpose and powers of the authority as herein stated.
- E. The authority shall not be authorized to create in any manner any debt, liability or obligation against the State of Georgia, Houston County, or City of Warner Robins.
- F. The members of the authority shall receive no compensation for their services to the authority.
- G. In order to finance any undertaking within the scope of its power or to refund any bonds then outstanding, the authority is hereby authorized to issue bonds bearing rate or rates of interest and maturing at the years and amounts determined by the authority and the procedure of validation, issuance and delivery shall be in all respects in accordance with the Revenue Bond Law (Ga. L. 1937, p. 761), as amended, Ga. Code Ann. Supp. Chapter 87-8 [now O.C.G.A. § 36-82-60 et seq.], as if said obligations had been originally authorized to be issued thereunder; provided, however, that any property, real or personal, of the authority may be pledged, mortgaged, conveyed, assigned,

hypothecated or otherwise encumbered as security for any lawful debt of the authority. The authority may execute any trust agreement or indenture not in conflict with the provisions of this amendment to provide security for any bonds issued as provided herein, and such trust agreement or indenture may provide for foreclosure or forced sale of any property of the authority upon default on such bonds either in payment of principal or interest or under any term or condition under which such bonds are issued. Nothing herein contained shall be construed to create a right to compel any exercise of the taxing power of either Houston County or the City of Warner Robins to pay any of the said obligations of said authority.

- H. The authority may authorize additional bonds, for extensions and permanent improvements to any industrial building acquired hereunder, to be placed in escrow and to be negotiated from time to time as proceeds for that purpose may become necessary. Bonds so placed in escrow shall, when sold and delivered, have such standing with the bonds of the same issue as may be provided in the authorizing proceedings.
- I. No bonds except refunding bonds shall be issued hereunder unless the authority shall have found and declared that:
  - (1) The undertaking for which the bonds are to be issued will increase employment within the territorial limits herein designated.
  - (2) The lessee or purchaser of the building or buildings involved will not by virtue of establishing operations in said territorial limits, reduce the number of employees employed by said lessee or purchaser elsewhere in the State of Georgia.
- J. No moneys derived by the authority from any source other than gifts and contributions from private individuals, firms or corporations shall at any time be used for entertainment, or other promotional expenses.
- K. Should said authority for any reason be dissolved, title to all property of every kind and nature, real and personal, held by the authority at the time of such dissolution shall revert to the City of Warner Robins subject to any mortgages, liens, leases or other encumbrances outstanding against or in respect to said property at that time.
- L. This amendment is adopted for the purpose of promoting and expanding for the public good and welfare industry and trade in the City of Warner Robins and its vicinity and reducing unemployment to the greatest extent possible, and this amendment and any law enacted with reference to the authority shall be liberally construed for the accomplishment of these purposes.
- M. This amendment shall be effective immediately upon proclamation of its ratification by the Governor and the first members of the authority shall be appointed within thirty (30) days after such proclamation.
- N. The General Assembly may by law further define and prescribe the powers and duties of the authority and the exercise thereof, and may enlarge and restrict the same, and may likewise further regulate the management and conduct of the authority. The authority shall be an instrumentality of the City of Warner Robins and the scope of its operations shall be limited to the territory embraced within said city. The General Assembly shall not extend the jurisdiction of the Authority nor the scope of its operations beyond such limits.

(Ga. Laws 1964, p. 1049, § 1)

**Editor's note**— The above act is a "local" amendment to Ga. Const. (1945), art. V, § IX. It was carried forward by Ga. Laws 1987, p. 3811. *See* Ga. Const. (1983) art. XI, § I, ¶ IV.