

Chapter 2
ADMINISTRATION*

Sections:

2-0A	ARTICLE I. IN GENERAL
2-1	Necessity of ordinance to enact specified acts.
2-2	Procedure for passage of ordinance.
2-3	Subjects for which resolutions or motions are effective.
2-4	Procedure for passage of resolutions and motions.
2-5	City Attorney; indemnification from suit arising out of performance of official duties.
2-6	Professional engineers employed by City; indemnification from suit arising out of performance of official duties.
2-7	Treasurer; financial reports.
2-8	Reserved.
2-9	City Manager to supervise purchases and conduct personal property sales.
2-10	Review of claims against City.
2-11	2-11--2-25. Reserved.

Section 2-0A **ARTICLE I. IN GENERAL**

Section 2-1 **Necessity of ordinance to enact specified acts.**

A formal ordinance enacted as provided by the Charter and laws of the City shall be necessary to put in force and effect any of the following acts:

- (a) All general laws for the government of the City and its inhabitants;
- (b) All tax levies. and provisions for licenses and occupation taxes;
- (c) All contracts providing for the purchase of any real estate by the City for any purpose;
- (d) All contracts for the sale of any real estate by the City; and
- (e) The acceptance of all transfers of title to real estate to the City, whether the result of gift, purchase by the City or otherwise, and the authorization of transfer of title real estate out of the City, whether by gift, sale or otherwise. This provision shall not apply to cemetery lots or the transfer of title to real estate acquired by the City as a result of tax sale or lien sale.

(Ord. of 2-10-86(1); Ord. of 2-27-95(1), § I)

Section 2-2 **Procedure for passage of ordinance.**

Every ordinance as to a matter required to be passed with the formality of an ordinance, which matters are set forth in section 2-1, shall be read and voted on at two (2) distinct regular or recessed regular meetings of the City Council before it is finally enacted, unless in the opinion of the City Council, an emergency exists demanding passage at one (1) meeting. The City Council shall itself determine when such emergency does exist and shall pass a resolution or motion declaring that the emergency does exist, and instructing the second reading of such ordinance at

the same regular meeting, which motion or resolution shall require the affirmative vote of four (4) members of the City Council, and shall be spread on the minutes of the City Council. After passage of the ordinance, it shall be signed by the Mayor or by those Councilmembers voting in favor thereof, provided the Mayor is absent or for any reason does not sign such ordinance, as soon as it is fairly copied. No reconsideration of the minutes at the next meeting of City Council shall operate to suspend, alter or affect the provisions of such ordinance. Every ordinance must receive the affirmative vote of at least three (3) members of the Council at the final reading thereof in order to become valid and effective. All ordinances when passed shall be fairly or correctly transcribed by the Clerk in the minute book of the Council, and also in an ordinance book properly indexed. The Mayor shall examine the book and, if found correct, shall sign it, and the Clerk shall countersign it. Should the Mayor fail to examine and sign the book, then three (3) members of the Council shall examine and sign it, and the Clerk countersign it.

(Code 1958, § 2-2)

State law reference--Authority to adopt ordinances, resolutions or regulations, O.C.G.A. § 36-35-3.

Section 2-3 Subjects for which resolutions or motions are effective.

The following acts and things may legally be put in effect by the passage of a resolution or motion by the City Council without being reduced to writing, and without being voted at two (2) meetings:

(1) All orders, instructions and suggestions to officers, agents, employees and departments of the City government as to their acts and conduct, and as to the interpretation of their duties and as to enforcement of the laws and ordinances of the City, and advice and instructions for any purpose;

(2) The election, appointment or selection of regular officers and employees of the City who are by law selected by the Council, and the approval where necessary of selections and appointments made by others;

(3) Any action necessary by the Council in regard to suspension or removal of any officer, agent or employee of the City;

(4) Determination and fixing of the salaries of all regular officers, agents and employees of the City which by law are fixed by the Council;

(5) Contracts for the purchase or sale of personal property, contracts for personal services, and contracts for purchase of materials, fuel, supplies, stock, or any other equipment;

(6) Rules and regulations for purchasing or contracting by the City Manager;

(7) Gifts and donations, where legal;

(8) The adoption of the budget for the City, and all changes made to such budget;

(9) The investigation of the conduct of any officer, employee and of any City department; and

(10) The transfer or sale of any property purchased by the City at tax sale, or under any lien of the City against such property, or settlement of any lien.

(Ord. of 2-10-86(1))

Section 2-4 Procedure for passage of resolutions and motions.

Resolutions and motions may legally be passed at the time when introduced at any regular or special meeting of the Council, and need not be in writing. All matters not required by the Charter of the City, or by the general laws of this state, nor by the terms of section 2-1 to be enacted and put in force by an ordinance, may be passed and put in force by the City Council by a motion or

resolution duly passed by the Council.
(Code 1958, § 2-4)

Section 2-5 City Attorney; indemnification from suit arising out of performance of official duties.

If any claim is made against or suit filed against the City Attorney or any deputy city attorney by any third party in which allegations are made against the City Attorney or deputy city attorney arising out of the performance of official duties by the City Attorney or deputy city attorney in connection with that person's representation of the City, including, but not limited to, the rendering of legal opinions, the drafting of ordinances and resolutions, engaging in negotiations on behalf of the City, rendering advice to the City Council and City administrative employees and officials, and other such functions, and if a defense and coverage are not otherwise provided for the City Attorney or deputy city attorney for such claim or suit under any policy of liability insurance issued to the city by an insurer licensed to do business in the state, then the City will afford a defense to any such claim or suit for the City Attorney or any such deputy city attorney. If a judgment or award of any kind or description is rendered against the City Attorney or any deputy city attorney arising out of such claim or suit, then the City shall indemnify and hold harmless the City Attorney and any such deputy city attorney from any such judgment or award and from the costs associated therewith.

(Code 1958, § 2-15)

Section 2-6 Professional engineers employed by City; indemnification from suit arising out of performance of official duties.

If any claim is made against or suit filed against any professional engineer employed by the City on a full-time basis and which allegations are made against such professional engineer arising out of the performance of professional duties by such professional engineer in connection with that person's work on behalf of the City, including but not limited to advising the City Manager and City Council and doing and approving engineering calculations, designs, plans, specifications, and inspections of work and safety in connection with paving, drainage, resurfacing, traffic control, sidewalks, streets, sewers, airports, water treatment, buildings, electrical system, gas system, water systems, and such other functions, and if a defense and coverage are not otherwise provided for such professional engineer for such claim or suit under any policy of liability insurance issued to the City by an insurer licensed to do business in the state, then the City will afford a defense to any such claim or suit for such professional engineer. If a judgment or award of any kind or description is rendered against such professional engineer arising out of such claim or suit, then the City shall indemnify and hold harmless such professional engineer from any such judgment or award and the costs associated therewith.

(Code 1958, § 2-16)

Section 2-7 Treasurer; financial reports.

In addition to the duties of the treasurer of the City, elsewhere prescribed, he shall be required periodically at the discretion of the City Manager to make to the City Council a true and correct financial report, showing the financial condition of the City.

(Code 1958, § 2-11)

State law references--Local government budgets and audits, O.C.G.A. § 36-81-1 et seq.; requirement to establish balanced budget, O.C.G.A. § 36-81-3; accounting for public funds,

O.C.G.A. § 45-8-1 et seq.

Section 2-8 Reserved.

(TQM Code Update-Ch.2, Amended, 10/11/2004, prior text deleted)

Section 2-9 City Manager to supervise purchases and conduct personal property sales.

The City Manager, in his duties as purchasing agent for the general government of the City, shall devise, establish and cause to be maintained a system of purchase orders, requisitions or other forms of purchasing controls in general accordance with established good principles in municipal governance in the state. He shall faithfully follow and comply with rules and regulations for purchasing and contracting established by the City Council. As purchasing agent for the City general government, the City Manager shall conduct all sales of personal property of the City which the City Council may authorize to be sold and which may have become unnecessary or unfit for the City's use.

(Ord. of 2-10-86(1))

State law references--Power of expenditure, Ga. Const., art. 9, sec. 4, par. 2; discretion of governing body as to management and disposition of property, O.C.G.A. § 36-30-2; acquisition, sale and lease of real and personal property, O.C.G.A. § 36-37-1; disposition of municipal property, O.C.G.A. § 36-37-6; multiyear lease, purchase or lease purchase contracts, O.C.G.A. § 36-60-13; budgets and audits, O.C.G.A. § 36-81-1 et seq.; local political subdivision purchases, O.C.G.A. § 50-5-100 et seq.

Section 2-10 Review of claims against City.

(a) Where any claims against the City for money damages on account of injuries to persons or property duly presented to the City pursuant to the provisions of O.C.G.A. § 36-33-5, the City Council delegates to the City Manager the authority to consider and act upon the claim as set forth in O.C.G.A. § 36-33-5. The act of the City Manager in performing such functions shall be considered the act of the City Council for purposes of the requirements of O.C.G.A. § 36-33-5. Nothing contained herein shall restrict the City Manager from presenting such claims to the City Council as he deems appropriate for review and comment by the City Council. This provision shall be effective as to all claims presented after the effective date of the ordinance from which this section is derived and to all claims presented before such effective date and as to which no action has been taken as of such effective date.

(b) By virtue of this section, all actions taken by the City Manager on such claims made before the introduction of the ordinance from which this section is derived are hereby ratified by the City Council, and any such previous action on the part of the City Manager shall be deemed to have been the action of the City Council.

(Ord. of 6-11-90, § I(1))

Section 2-11 2-11--2-25. Reserved.