

STATE OF GEORGIA }
CITY OF EASTMAN }
 }
Ordinance 2024-008 }

CITY MANAGER’S AUTHORITY

ORDINANCE NO.: 2024-008

AN ORDINANCE TO AMEND, CHAPTER 2 – ADMINISTRATION, ARTICLE III - PURCHASING OF THE CODE OF ORDINANCES OF THE CITY OF EASTMAN, GEORGIA; TO ESTABLISH AUTHORITY OF THE CITY MANAGER FOR EXPENDITURES, TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled “Home Rule for Municipalities,” allows the General Assembly to provide by law for the self-government of municipalities and to that end is expressly given authority to delegate its power so that matters pertaining to municipalities may be dealt with without the necessity of action by the General Assembly; and

WHEREAS, the Georgia legislature passed *The Municipal Home Rule Act of 1965*, codified under O.C.G.A. § 36-35-1, *et seq.*, authorizing municipal governments to adopt clearly reasonable ordinances, resolutions, or regulations for which no provision has been made by general law; and

WHEREAS, the governing authority of the City of Eastman is the City Council; and

WHEREAS, the City of Eastman, Georgia, has the legislative power to adopt ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law, and which are not inconsistent with the Constitution of the State of Georgia, or any charter provision applicable thereto; and

WHEREAS, the Charter of the City of Eastman designates the city manager as the chief executive and administrative officer of the city responsible to the city council for the administration of all city affairs placed in the manager’s charge, *Charter, Article II, Sec. 2.30*; and,

WHEREAS, the Code of Ordinances of the City of Eastman, Article III. – Purchasing, Sec. 2-67, authorizes the city manager to make expenditures in accordance with the city manager's duty and responsibility to fulfill the day to day needs and requirements of the city of any monies up to a maximum of \$2,500.00 without prior governing body approval; and,

WHEREAS, the governing authority of the City of Eastman desires to adopt a revised ordinance pertaining to the City Manager's authority to make expenditures on behalf of the City of Eastman, Georgia; and,

WHEREAS, the health, safety, and welfare of the citizens of Eastman, Georgia, will be positively impacted by the adoption of this Ordinance; and

WHEREAS, the governing authority of the City of Eastman has read and considered the proposed Ordinance;

NOW THEREFORE, IT IS HEREBY ORDAINED by the City Council of the City of Eastman pursuant to the authority vested in that body under the laws of the State of Georgia that:

Section 1.

That CHAPTER 2 – ADMINISTRATION, ARTICLE III – PURCHASING, SEC. 2-67 CITY MANAGER'S AUTHORITY is hereby repealed and replaced in its entirety with the provisions as set forth below, as follows:

Sec. 2-67. - City manager's authority.

The city manager shall have the authority to make expenditures in accordance with the city manager's duty and responsibility to fulfill the day to day needs and requirements of the city of any monies up to a maximum of \$10,000.00 without prior governing body approval.

Section 2.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set forth herein.

Section 3.

It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses, and phrases of this

Ordinance are or were, upon their enactment, believed by the Council to be fully valid, enforceable, and constitutional.

Section 4.

In the event any phrase of this Ordinance shall, for any reason, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Council that such invalidity, unconstitutionality, or unenforceability shall, to the extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable any of the remaining phrases and that all remaining phrases shall remain valid and of full force and effect.

Section 5.

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6.

The effective date of this Ordinance shall be the date of its second reading.

ORDAINED by the City Council of the City of Eastman, pursuant to the authority vested in that body under the laws of the State of Georgia:

INTRODUCED the _____ day of _____ 2024, the first reading.

ADOPTED the _____ day of _____ 2024, the second reading.

EFFECTIVE on the date of the Second Reading.

CITY OF EASTMAN

ATTEST:

Graham Snyder, Chair

April Sheffield, City Clerk