

**Article I**  
**Power of Unified Government**  
UNIFICATION, CREATION, BOUNDARIES, STATUS, AND  
POWERS OF UNIFIED GOVERNMENT

**SECTION 1-101. Unification of County and City; Creation of Unified Government.**

(a) Name. The governmental and corporate powers, duties, and functions now vested in the governing authority of the City of Milledgeville, a municipal corporation created by an Act of the General Assembly of Georgia, approved 1977 (Ga. L. 1900, p. 345), as amended, are hereby unified with the governmental and corporate powers, duties, and functions of Baldwin County. This unification shall result in the creation and establishment of a single government with powers and jurisdiction throughout the territorial limits of Baldwin County, which single government shall supersede and replace the governments of the City of Milledgeville and Baldwin County. Said county-wide government shall be a new political entity, a body politic and corporate, and a political subdivision of the state, to be known as "Milledgeville-Baldwin County, Georgia," having all the governmental and corporate powers, duties, and functions heretofore held by and vested in the City of Milledgeville and Baldwin County, and also the powers, duties, and functions provided in this charter. The unified government shall be a public corporation; shall have perpetual existence; shall adopt a common seal; shall, without the necessity or formality of a deed, bill of sale, or other instrument of transfer, own, possess, and hold all the properties of whatsoever kind or nature, assets, contracts, franchises, things, rights, privileges, immunities, and real and personal property theretofore owned, possessed, enjoyed, or held by the City of Milledgeville or Baldwin County; and by the name of Milledgeville-Baldwin County, Georgia, shall be capable of suing and being sued when authorized by this charter and by the Constitution and laws of the State of Georgia. From and after the effective date of this charter, the political subdivision known as Baldwin County, Georgia, and the municipal corporation known as the City of Milledgeville, Georgia, shall be unified into the said new political entity created in this charter.

(b) Milledgeville-Baldwin County, Georgia, shall encourage the meaningful involvement in its operations of all citizens of Milledgeville-Baldwin County. No individual shall be denied any opportunity on the basis of race, gender, religion, age, disability, or national origin.

(c) The unification of the governments of the City of Milledgeville and Baldwin County is authorized pursuant to the provisions of Article IX, SECTION III, Paragraph II(a) of the Constitution of Georgia of 1983, as amended.

#### SECTION 1-102.Boundaries.

Milledgeville-Baldwin County, Georgia, shall embrace the total area included within the existing territorial limits of Baldwin County as such limits are fixed and established on the effective date of this charter. However, such limits may be altered and changed from time to time as provided by the Constitution and laws of the State of Georgia pertaining to counties.

#### SECTION 1-103. Status as Municipal Corporation and County.

Milledgeville-Baldwin County, Georgia, shall be deemed to be both a municipal corporation and a county throughout the total territory of said government. It is the express intention of this section to declare as a city and as a part of the unified government all of the area of Baldwin County.

#### SECTION 1-104. Powers.

(a) Milledgeville-Baldwin County, Georgia, shall have all powers of self-government authorized by the Constitution and not otherwise prohibited by the laws of Georgia.

(b) In addition to the foregoing, the unified government shall have and be vested with, to the same extent as if herein repeated, all rights, powers, duties, privileges, and authority that the Mayor and Council of the City of Milledgeville or the Commission of Baldwin County, or both, have under the Constitution and general and local laws of the State of Georgia at the time of adoption of this charter. This authority shall include but shall not be limited to the authority to adopt home rule ordinances and resolutions as provided in Article IX, SECTION II of the Constitution of the State of Georgia.

(c) In addition to the foregoing, the unified government shall have all rights, powers, duties, privileges, and authority herein conferred or herein enlarged, and such other rights, powers, duties, privileges, and authority as may be necessary and proper for carrying the same into execution, and also all rights, powers, duties, privileges, and authority, whether express or implied, that may be now vested in or hereafter granted to counties or municipal corporations, or both, by the Constitution and laws of the State of Georgia, including the powers vested in the unified government by this charter.

(d) The unified government, in addition to the rights, duties, powers, privileges, and authority expressly conferred upon it by this charter, shall have the right, duty, power, privilege, and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security, and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its property, affairs, and local government

which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions.

(e) No enumeration of any right, power, privilege, or authority hereinafter made shall be construed as limiting or abolishing any right, power, and privilege or authority hereinabove set forth.

(f) In addition to and supplementary to all other powers which it may possess, and by way of illustration and not of limitation, the unified government shall have the powers specifically enumerated in SECTION 8-114 of this charter.

#### SECTION 1-105. Taxing Districts.

(a) The unified government shall divide the county into two or more taxing districts (herein called "services districts"); provided, however, at least one of such districts shall be known as the general services district. The general services district shall embrace the total geographic area of Baldwin County. In addition, the Board of Commissioners shall establish at least one or more urban services districts which shall embrace such territory or territories for which provision is made by the Board for additional or higher levels of services than are provided uniformly throughout the territory of the unified government.

(b) Taxes shall be assessed, levied, and collected in accordance with the kind, character, type, degree, and level of services provided by the government within said service districts; and the rate and manner of taxation may vary in any one district from that in another or other districts.

(c) The unified government may also establish special services districts which shall embrace such territory or territories for which provision is made by the Board for additional or higher levels of services provided by the unified government.

(d) The corporate limits of the City of Milledgeville, Georgia shall constitute an urban services district of Milledgeville-Baldwin County, Georgia. In the establishment of future urban services district or districts, the Board shall hold one or more public hearings thereon at which all interested persons affected thereby shall have an opportunity to be heard. Notice of the time, place, and date of such hearings shall be published in the official legal organ of Milledgeville-Baldwin County at least once a week during the two weeks immediately preceding the date of hearing.

(e) In the establishment of special services districts, the Board shall hold one or more public hearings thereon at which all interested persons affected thereby shall have an opportunity to be heard. Notice of the time, place, and date of such hearings shall be published in the official legal organ of Milledgeville-Baldwin County, Georgia, at least once a week during the two weeks immediately preceding the date of hearing.

(f) The unified government is hereby empowered to exercise and provide within the general services district and within any urban and special services district established by this charter or by ordinance of the Board those powers, functions, and services which have theretofore been exercised and provided by Baldwin County or the City of Milledgeville, or both; all powers, functions, and services authorized by this charter and any amendments thereto; and all powers, functions, and services which counties or municipal corporations, or both, are now or are hereafter authorized to exercise under the Constitution and laws of the State of Georgia.

(g) The unified government shall perform within the general services district those governmental duties, functions, and services which are generally available and accessible to all residents throughout the total area of said government.

(h) The unified government shall perform within its urban services districts those additional, more comprehensive and intensive, and higher levels of governmental duties, functions, and services which benefit primarily the residents of such urban services districts.

(i) The unified government shall perform within its special services districts those additionally selected, more comprehensive, intensive, and higher levels of governmental duties, functions, and services which benefit primarily the residents of such special services districts.

(j) Except as otherwise provided by this charter, urban and special services districts of the unified government shall be created, expanded, merged, consolidated, or reduced only by an ordinance duly adopted by the Board under such general rules, procedures, regulations, requirements, and specifications as established by the Board; provided, however, no new urban or special services district shall be created or existing urban or special services district expanded, abolished, merged, consolidated, or reduced without providing an opportunity for interested persons to be heard by publishing a notice of a public hearing on the proposed expansion, consolidation, reduction, or creation of an urban or special services district in the official legal organ of Milledgeville-Baldwin County, Georgia, at least once a week during the two weeks immediately preceding the date of hearing. Such rules and regulations shall set forth the manner and method for the creation of new urban and special services districts; the expansion, consolidation, reduction, or merger of existing urban or special services districts; requirements for defining functions and policies for rendering services; changes in levels of services within existing services districts; the transfer of territory from one services district to another; requirements for defining boundaries of services districts; procedures for the expansion, reduction, or consolidation of existing services districts; and requirements for defining boundaries of services districts.

(k) The unified government is empowered to create new services and eliminate existing services by the same procedures and methods stated above.

(l) Citizens of any area in the county may request additional services by petitioning the unified government according to the rules, procedures, and guidelines established by the unified government. The unified government will hold public hearings as outlined in the services district modification procedure stated above and will consider all comments received prior to reaching a final decision.

#### SECTION 1-106. Construction.

The powers of the unified government shall be construed liberally in favor of the unified government. The specific mention or failure to mention particular powers in this charter shall not be construed as limiting in any way the general powers of the unified government as provided in this article. It is the intention hereof to grant to the unified government full power and right to exercise all governmental authority authorized by the Constitution and laws of Georgia which is necessary for the effective operation and conduct of the unified government within its territory and for the conduct of all of its affairs.

## **Article II**

### **Legislative Make-up**

#### UNIFICATION, CREATION, BOUNDARIES, STATUS, AND POWERS OF UNIFIED GOVERNMENT

##### SECTION 2-101. Organization, Oath, Rules, Quorum, Records: Vice-Chair.

(a) The Milledgeville-Baldwin County Commission (also referred to as “commission”, “board of commissioners”, or “board”) shall meet for organization and swearing in purposes on the first Tuesday after January 1, following its election or as soon thereafter practicable. At this meeting, the newly elected commissioners shall each take the following oath of office, to be administered by the judge of the probate court:

"I do solemnly swear (or affirm) that I will well and truly perform the duties of Commissioner of the Unified Government of Milledgeville-Baldwin County, Georgia, and that I will support and defend the Charter thereof, as well as the Constitution and laws of the State of Georgia and of the United States of America, so help me God."

(b) The commission, by majority vote, shall adopt rules of procedure governing the transaction of its business consistent with the provisions of this Charter; shall set by ordinance the time, date, and place for regular meetings, which will be held at least once each month; and shall provide for keeping minutes of its proceedings by the clerk as provided for by the Charter. The Commission may opt to hold more than one regular monthly meeting or may choose to hold a regular monthly work session. In either case, the number and type of meeting shall be established annually by majority vote of a quorum of Commission members.

(c) At its first organizational meeting, the commission shall select the date when it will hold its regular monthly meetings.

(d) Four (4) of the seven (7) members of the commission shall constitute a quorum for the transaction of business; however, a smaller number may adjourn from time to time.

(e) Special meetings of the commission may be called by the mayor or by a quorum of commissioners upon no less than twenty-four hours' notice; written notice to each member shall be served personally or left at the usual place of business or residence of such member. Such notice of a special meeting may be waived in writing either before or after the meeting. Subject to the Official Code of Georgia Annotated (O.C.G.A.) 50-14-1(d), special meetings may be held at any time without notice to all commissioners, upon attendance at such meeting by all members of the commission, or by waiver of notice of those not in attendances.

(f) All meetings of the commission, except for those exceptions provided for in general law, shall be public; and any citizen shall have access to the minutes and records thereof at reasonable times.

(g) At its first meeting in January of each year, a vice chair (referred to as the Milledgeville-Baldwin County Commission vice chair) shall be elected by and from the membership of the commission to serve for a term of one (1) year. Such an election shall take place at the first regular meeting of the commission each year and whenever necessary to fill vacancy in the office. A commissioner elected to fill a vacancy shall only serve as such until an election for a new commission vice chair is held the following year.

(h) In the absence of the Mayor for any cause, the vice chair shall preside over meetings and discharge the duties of mayor until either the return of the Mayor/chair or the election a new Mayor/chair. While serving as the mayor, the vice chair shall have the same powers as the Mayor/chair.

#### SECTION 2-102 Powers of the Commission.

(a) All legislative powers of the Unified Government of Milledgeville-Baldwin County, Georgia, including any powers which may hereafter be conferred by law upon said government, shall be vested exclusively in the commission Mayor/chair and the commission, in accordance with the provisions of this Charter.

(b) The restructured government, in addition to the rights, duties and powers, privileges, and authority expressly conferred upon it by this charter, shall have the right, duty, power, privilege, and authority to exercise and enjoy all other powers, duties, functions, rights privileges and immunities necessary and proper to promote or protect the safety, health, peace, security, and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as in such powers were fully enumerated in this charter to do and perform all the acts pertaining to its local affairs, property, and government that are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions.

(c) No repeal of any law under which the restructured government derives any right, power, privilege, or authority, except by amendment of this charter as provided in this charter, shall be construed as limiting or abolishing any such right, power, privilege, or authority set forth in this charter.

(d) The general laws of the State of Georgia of a criminal nature shall be applicable to and within the limits of the restructured government. General laws of local application through classification by population, not in conflict with this charter:

Which on the effective date of this charter apply to the City of Milledgeville or Baldwin County which are applicable to the restructured government and

Which apply to the restructured government as either a city or a county at the time of their enactment or thereafter shall be effective, but those which did not apply to

the City of Milledgeville or Baldwin County or the restructured government at the time of their enactment shall not become applicable to the restructured government except through the adoption of a resolution to that effect by the commission.

(e) Local Acts of the State of Georgia which apply specifically to Baldwin County, or the City of Milledgeville, or both collectively, shall be applicable to the restructured government.

(f) In construing the applicability of provisions of the Constitution and the general laws of Georgia which apply in general terms to either counties or municipalities, or both and local Acts of the General Assembly that apply specifically to Baldwin County, the City of Milledgeville, or all collectively, the following terms as used in such laws shall be construed to include the restructured government as follows:

- (1) "City," "town," "municipal corporation", or "municipality" shall be construed to include Milledgeville-Baldwin County, Georgia;
- (2) "County" shall be construed to Milledgeville-Baldwin County, Georgia;
- (3) "Board of Commissioners" shall be construed to include the commission of Milledgeville-Baldwin County, Georgia.
- (4) "Council," "Mayor", "Mayor and council," county commissioners", shall be construed to include the commission of Milledgeville-Baldwin County, Georgia; and
- (5) Any other terms and provisions as used in such Acts to refer specifically to Baldwin County or the City of Milledgeville or both collectively shall include employees, departments, and agencies.

(h) In construing the applicability of laws in force to the restructured government, the following order shall prevail:

- (1) The Constitution of the State of Georgia:
- (2) The general laws of uniform application now in force or hereafter enacted by the General Assembly, as distinguished from general laws of local application through classification by population, applicable to municipal corporations or counties or both;
- (3) The general laws of local application through classification by population as and to the extent provided in section (b) of this section;
- (4) Special laws applicable to Baldwin County, not in conflict with this charter;



- (5) Special laws applicable to the City of Milledgeville, not in conflict with this charter;
  - (6) This charter and all ordinances and resolutions passed pursuant thereto; and
  - (7) Existing ordinances and resolutions of the former City of Milledgeville and existing ordinances and resolutions of the former County of Baldwin not in conflict with this charter.
- (i) The tort and nuisance liability of the restructured government shall follow the law and rules of tort liability applicable to counties in Georgia.
- (j) For purposes of applicable laws, the restructured government shall constitute a municipality and a county or both. Except as otherwise provided by this charter, if a law applicable to municipalities and the same or another law applicable to counties are in conflict, the law applicable to counties shall prevail, provided, however, that the redistricting of commission districts shall be accomplished solely by local law.
- (k) The restructured government shall have the power and authority to participate in, cooperate in, and take all necessary action with respect to any and all projects, programs, and undertakings of any nature authorized by any statute, rule, or regulation of the United States, the State of Georgia, or any federal or state agency or instrumentality including, but not limited to, community development, highways, aviation, aviation terminals, airports, airport facilities, municipal area or regional development, sewer and sewage disposal, public housing, housing for the age, and transportation or mass transit or any phase thereof; to borrow money and issue promissory notes, general obligation bonds, or revenue bonds, or any combination thereof, for any such purposes in accordance with the provisions of this charter; and to execute mortgages or deeds of trust in favor of any federal agency, secured by property of which the restructured government is the legal or beneficial or equitable owner, or in favor of any private agency where the loan is guaranteed by a federal agency.
- (l) In addition to its legislative powers, the commission shall specifically have the power to:
- (1) Adopt and as needed amend the annual budget.
  - (2) Approve or reject recommendations concerning the appointments of the manager, and attorney by a majority vote.
  - (3) Remove from office the manager, and attorney by majority vote of four (4).
- (m) In the exercise of its powers, the commission shall adopt and provide for the execution of such ordinances, resolutions, rules and regulations, not inconsistent with

the charter, as may be necessary or proper for the purpose of carrying into effect the powers conferred by this charter and for the promotion and protection of the safety, health, peace, security and general welfare of the inhabitants of the unified government and may enforce such ordinances, resolutions, rules and regulations by imposing penalties for violations thereof, as prescribed by ordinance, by a fine that will not exceed one thousand dollars (\$1,000) or by imprisonment for a period twelve (12) months.

(n) Except as otherwise provided by the Constitution, general or local law or this charter, the commission may by ordinance create, change, alter, combine, abolish, consolidate, and redefine the manner of appointment, membership, powers and duties of bureaus, boards, commissions, departments, divisions, authorities offices and agencies of the unified government, including positions of public office, and may transfer and delete functions and assign additional functions to any bureaus, offices, agencies, departments, divisions, boards, authorities, commissions and positions of public employment existing under this charter. The commission may by ordinance transfer all the assets, liabilities and obligations thereof to a department, a division, or other unit of a department of the unified government, which shall have the power, and division or other unit of a department of the unified government, which shall have the power, and its duty shall be to perform and exercise all the functions and powers theretofore performed and exercised by such board, commission authority, division, agency, bureau, office, department or position of public employment.

(o) Subsection (a) of SECTION 2-301 of this charter does not apply to any authorities or boards which were created by either a local constitutional amendment or by a local act of the General Assembly.

(p) The commission shall have the power to conduct or cause to be conducted inquiries and investigations of the operations of any office, department, or agency or the conduct of any officer or employee thereof administering the affairs of the unified government. In conducting inquiries and investigations, the commission shall have the right to administer oaths; subpoena witnesses, documents, records or other evidence; take testimony; and require the production of evidence. The conduct of proceedings at commission inquiries and investigations shall be subject to such rules and regulations as the commission may prescribe by general ordinance.

(q) The commission shall provide for the form of oaths and the amount and condition of surety bonds as may be required of any officer or employee of the unified government.

(r) The commission shall have and exercise such other powers as conferred upon it by this charter and the laws of Georgia.

### SECTION 2-103. Filling of Vacancies.

(a) In the event that the office of a member of the commission shall become vacant by reason of death, resignation or any or any other cause, and the term shall expire in less than one hundred eighty (180) days, the vacant position shall be filled by appointment by the remaining members of the commission. Any individual so appointed must have the same qualifications required for election to the office.

(b) If the term of the vacant commission position will continue for more than one hundred eighty (180) days, a special election shall be held as provided in this charter and in general state law to elect a new member of the commission to serve for the remainder of the term.

### SECTION 2-201. Legislation by Ordinance.

Milledgeville-Baldwin County, Georgia, hereby ordains that "All other acts of the commission shall be by resolution or shall take such other form as prescribed by its rules."

### SECTION 2-202. Introduction, Consideration and Passage of Ordinances and Resolutions.

(a) Every proposed ordinance and every amendment shall contain not more than one (1) subject which shall be expressed clearly in its title.

(b) It shall be the duty of the attorney to draft all ordinances. Prior to the introduction of any ordinance, copies of it shall be prepared by the Clerk of the Commission and distributed to each member of the commission.

(c) Every proposed ordinance shall be in writing (each commissioner shall receive a copy) and shall be introduced by reading the title thereof at a regular monthly meeting or a properly called special meeting of the commission of Milledgeville-Baldwin County, Georgia. Any new ordinances or amended ordinances shall be introduced at one meeting and acted on at the next or a later meeting. Rules may be suspended for exigent circumstances by majority vote. Exigent circumstances shall be defined as natural disasters or any event affecting the public order.

(d) The adoption of any ordinance shall require a vote of at least four (4) affirmative votes.

(e) The passage of all ordinances shall be contingent upon the recording of the "ayes" and "nays" of each person voting and the names of each person voting for and against each proposed ordinance or amendment. The names of those abstaining and

those absent shall be entered upon the minutes of the proceedings of the commission.

SECTION 2-203. Submission of Ordinances to Commission Mayor; Effective Date.

(a) Every ordinance or resolution adopted by the commission shall be certified by the Clerk of the Commission and presented to the Milledgeville-Baldwin County Mayor within two (2) business days following its adoption.

SECTION 2-204. Authentication: Recording.

The Clerk of the Commission shall authenticate by signature and record in full, and a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the commission.

SECTION 2-205. Codes of Technical Regulations.

(a) The Commission may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be prescribed for ordinances general, except that:

- (1) The requirements of subsection 2-202 (c) of this charter for distribution of copies of the ordinance to each commission member shall be construed to include copies of the code of the ordinance to each commission member. Copies of the code of technical regulations shall be maintained in the clerk's office, as well as the adopting ordinance; and
- (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated by the clerk as provided in SECTION 2-205 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for public inspection and for purchase at a reasonable price as fixed by the commission.

SECTION 2- 206. Codification and Printing of Ordinances.

(a) The Commission shall, within two (2) years of the effective date of this charter, provide for the preparation of general codification of all ordinances of a general or permanent nature. Such code shall be adopted by the commission by ordinance and shall be published promptly in loose-leaf form, together with all amendments thereto, this charter, and amendments hereto, and such codes of technical regulations and other rules and regulations as the commission may specify. This compilation shall be known and cited officially as the "Code of Milledgeville-Baldwin County, Georgia." As determined by the commission, copies of the Code shall be furnished to officers,

departments and agencies of the unified government; placed in libraries and public offices for public reference; and made available for purchase by the public at a reasonable price.

(b) Following publication of the first Code of Milledgeville-Baldwin County, Georgia, from time to time thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the Code then in effect and shall be suitable form for integration therein.

#### SECTION 2-207. Prima Facie Evidence.

A record or entry made by the Clerk of Commission of a copy of such record or entry, duly certified by the clerk of commission, shall be prima facie evidence of the terms of every ordinance and its due adoption.

#### SECTION 2-301. Conflict of Interest.

No elected official, appointed officer or employee of Milledgeville-Baldwin County, Georgia, or any agency or political entity to which this charter applies shall knowingly:

- (1) Engage in any business or transaction in which the person has a financial interest which is incompatible with the proper discharge of official duties;
- (2) Disclose confidential information concerning the property, government or affairs of the governmental body by which such person is engaged or is a member of without proper legal authorization or use that information to advance the financial or other private interest of such person or others;
- (3) Accept any gift that has a value of \$100.00 (one hundred) or more from any person, firm or corporation which to his or her knowledge is interested, directly or indirectly, in business dealings with the governmental body he or she is a member of or by which such person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with and campaign;
- (4) Represent private interests other than his or her own in any action or proceeding against Milledgeville-Baldwin County, Georgia, or any portion of its government; or
- (5) Vote or otherwise actively participate in the negotiation or the making of any contract between Milledgeville-Baldwin County, Georgia, and any business or entity in which he or she has a financial interest.

#### SECTION 2-302. Disclosure.

Any elected official, appointed officer or employee of the unified government or of any board, commission, authority or agency thereof who shall have any private financial interest, direct or indirect, in any contract or matter pending before or within any department of the unified government shall disclose such private interest to the commission. Any commissioner who has a private interest in any matter pending before the commission shall disclose such private interest and such disclosure shall be entered on the records of the commission; and he or she shall disqualify himself or herself from participating in any decision or vote or relating thereto. Any elected official, appointed officer or employee of any board, commission, authority or agency of the unified government who shall have any private financial interest, direct or indirect, in any contract or matter pending before or within such entity shall disclose such private interest to the commission.

#### SECTION 2-303. Testimony of Public officials relating to Public Affairs.

Any officer or employee of the unified government or of any board, commission, authority or agency thereof who is duly and properly called a witness before any unified government, state or federal judicial or administrative tribunal, who shall before such tribunal fail to answer any proper question concerning the performance of him or her shall be guilty of a violation of this charter.

#### SECTION 2-304. Contracts Voidable and Rescindable.

Any contract between the unified government or any board, commission, authority, agency or entity thereof made in violation of the provisions of this charter shall be voidable or rescindable at the option of the commission at any time if any elected official, appointed officer or employee of such unified government or board, commission, authority or agency thereof has any interest in such contract and does not disclose such interest in accordance with SECTION 2-302 of this charter.

#### SECTION 2-305. Hearings and Determinations. Penalties for Violation.

(a) Upon the sworn complaint of any person alleging facts which if true would constitute a violation of this charter, the commission may conduct a public hearing at which the accused shall be given an opportunity to be heard, either personally or through counsel. At the conclusion based thereon. The commission shall make a determination concerning the propriety of the conduct of the official or employee in question.

(b) Any officer or employee of the unified government or of any board, commission, authority or agency thereof who is found to have knowingly concealed his or her personal financial interest, or who is found to have knowingly violated any of the requirements of this charter, shall be deemed guilty of malfeasance in office or position. If such decision is upheld after all reviews and appeals provided by the

unified government have been exhausted, the officer or employee shall be subject to such punishment as may be deemed appropriate by the commission and which may include forfeiture of office or position.

(c) Any officer or employee of the unified government or of any board, commission, authority or agency thereof who shall forfeit his or her office or position as described in subsection (b) above shall be ineligible for appointment or election to or employment in a position in the unified government or of any board, commission, authority or agency thereof for a period of three (3) years thereafter.

#### SECTION 2-306. Re-Call of Elected Officials.

(a) Upon adoption of this charter a process for re-call of elected officials shall be established in accordance with State Law.

#### SECTION 2-307. Code of Ethics.

(a) Within three (3) months the initial Milledgeville-Baldwin County Commission shall adopt a Code of Ethics for elected officials.

## **Article III**

### **UNIFIED GOVERNMENT HEAD**

#### **SECTION 3-101. Election; Term of Office; Qualification; Disqualification.**

(a) The term of office of all members of the Milledgeville-Baldwin County Commission shall be four years with members serving staggered terms and until their successors are elected and qualified, except that a commissioner appointed to fill a vacancy shall serve only for the balance of the unexpired term as provided in Section 2-103 of this charter. Initially, three (3) members will serve four (4) year terms and three (3) members will serve two (2) year terms to provide for staggered terms. The commission Mayor/chair shall serve a four (4) year term. Thereafter, all members shall be elected for four year terms. All terms of office following the initial terms shall commence at the first regular meeting in January following the election.

(b) No person shall be eligible for election or appointment to the board unless such person, on or before the date of the election or appointment, shall have attained the age of 25 years. He or she shall be qualified voter of Milledgeville-Baldwin County, Georgia, and shall have resided within the territorial limits of the district from which elected on the date of qualifying for election for one year. A member of the Board shall continue to reside within the district from which elected during such member's term of office.

(c) No member of the board, during that member's term of office, shall hold any other federal, state or local government elective office.

#### **SECTION 3-102. Salary and Expenses.**

(a) The salary of each commissioner shall be \$10,000 per year, payable in equal monthly installments. Vice chair's salary shall be \$11,000 per year, payable in equal monthly installments.

(b) In addition to the salary, commissioners shall be reimbursed for all direct expenses incurred in carrying out the duties and responsibilities of the unified government.

(c) The salary and expenses of members of the board may be changed by ordinance, subject to the following conditions:

- (1) No action to increase the salary or expenses of commissioners shall be taken until notice of intent to take the action has been published in the official legal organ of Milledgeville-Baldwin County, Georgia, at least once a week for three successive weeks immediately preceding the week during which the action is taken. Salary increases will not take effect until after the next commission is elected and seated. Increase in expenses will take effect upon the affirmative action of the commission.



### SECTION 3-103. Election.

There is hereby created the office of Milledgeville-Baldwin County Commission Mayor/Chair. The Milledgeville-Baldwin County Commission Mayor/Chair shall be elected at-large by the voters of the unified government and shall serve for a term of four years and until a successor is elected and qualified.

### SECTION 3-104. Qualifications of Office.

(a) To be eligible for election as Milledgeville-Baldwin County Commission Mayor/Chair, a person on the date of the election must:

- (1) Have attained the age of twenty-five (25) years
- (2) Have resided in the territory of Milledgeville-Baldwin County, Georgia, for at least one year immediately preceding the date of election and must continue such residence therein during the term of office;
- (3) Be a registered voter of Milledgeville-Baldwin County, Georgia and
- (4) Meet any other requirements as established by law.

(b) No person elected as Milledgeville-Baldwin County Commission Mayor/Chair shall, during that person's term of office, hold any other federal, state, or local elective government office.

### SECTION 3-105. Compensation.

(a) The Milledgeville-Baldwin County Mayor shall receive as compensation for the services of this office an annual salary of \$12,000, payable in equal monthly installments.

(b) In addition to the salary, the Milledgeville-Baldwin County Mayor shall be reimbursed for all direct expenses incurred in carrying out the duties and responsibilities of the unified government.

(c) The salary and expenses of the Milledgeville-Baldwin County Mayor may be changed by ordinances, subject to the following conditions.

- (1) No action to increase the salary shall be taken until notice of intent to take the action has been published in the official legal organ of Milledgeville-Baldwin County, Georgia at least once a week for three successive weeks immediately preceding the week during which the action is taken. Salary increases will not take effect until after the next commission is elected and seated. Increases in expenses will take effect upon the affirmative action of the commission.

### SECTION 3-106. Powers and Duties of Mayor.

- (a) Serve as the official representative of Milledgeville-Baldwin County, Georgia, including serving as the unified government's representative to the federal, state, and local governmental bodies and officials;
- (b) Appoint a county manager, who will be confirmed by a majority of the board. Initiate the process, with the involvement of commissioners and appropriate staff, to search and screen candidates for the positions of attorney, and commission clerk and to appoint candidates for these positions to the board of commissioners subject to concurrence of majority vote of the entire board;
- (c) Remove the county manager, attorney, and commission clerk for cause subject to concurrence of the majority of the entire board.
- (d) Set the agenda, after receiving input from members of the board, the county manager, and the public, for meetings of the board;
- (e) Make committee appointments.
- (f) Present the annual budget and the capital improvements budget, which has been prepared by the county manager with the assistance of all department and agency heads and all others who supervise the implementation of a budget that uses funds of Milledgeville-Baldwin County, Georgia, for approval by the Board.
- (g) May vote on any issue before the Commission and must vote in the event of a tie vote by the Board.
- (h) Call special meetings of the board of commissioners as provided by this charter and by rules of the board;
- (i) Execute all deeds, contracts, and obligations of the unified government, provided such execution shall be attested to by the county manager;
- (j) Recommend to the board the adoption of such measures as deemed necessary or expedient; and
- (k) Perform any other duties and exercise any other powers required by state or federal law or authorized by a duly adopted ordinance that is not in conflict with this charter.
- (l) Preside over meetings of the commission

### SECTION. 3-107 Voting.

The Mayor shall be authorized to vote on any issue before the Board and must vote in the event of a tie vote by the Board.

### Section 3-108. Vacancy in Office of Mayor.

(a) In the event that the office of Commission Mayor shall become vacant by reason of death, resignation, or any other means, the Vice Chair of the board of commissioners shall serve as the Mayor with all the powers of the Mayor until the next general election or as provided by general law.

(b) If the Vice Chair's term as Acting Mayor will continue for more than 180 days, a special election shall be held as provided in general law to elect a new Mayor for the remainder of the vacant term. The Vice Chair of the board will serve as the Mayor until an election is held and a successor is elected and seated.

## **Article IV ADMINISTRATION**

### **SECTION 4-101. Milledgeville-Baldwin County Manager; Appointment; Qualifications; Compensation.**

(a) There shall be a professional manager who shall be known as the County Manager of Milledgeville-Baldwin, Georgia. The Commission Mayor shall recommend candidates to the board for the office of County Manager who shall be the full-time administrative officer of the unified government. No person holding an elective office in the Milledgeville-Baldwin County Commission shall be eligible for this appointment until two years after leaving elective office. Such recommendations shall become effective when confirmed by a majority vote of the total membership of the board. The County Manager shall be prohibited from engaging in any political activity and shall not be eligible to qualify as a candidate for an elective office in the Milledgeville-Baldwin County Commission for one year after leaving office. The County Manager at any time may be removed from office by a majority vote of the entire commission.

(b) Whenever the office of the manager is vacant, the Commission Mayor may recommend a person to serve as acting manager until a new manager is appointed, subject to approval by a majority vote of the entire commission and subject to reappointment thereafter. The acting manager at any time may be removed by a majority vote of the entire commission.

(c) The County Manager need not be a resident of the county at the time of his or her appointment but shall establish residence therein within six months of such appointment and continue to reside therein throughout such appointment. The qualifications and compensation of the county manager shall be fixed by the board of commissioners

### **SECTION 4-102. County Manager; Powers and Duties.**

(a) The County Manager shall be responsible for:

- (1) The management and coordination of the operations and activities of the various departments and agencies of the unified government;
- (2) The appointment and removal of all department heads with the exception the city attorney, and clerk of commissioners.
- (3) The preparation of the proposed annual budget with the assistance of all department heads for approval by the board and the commission Mayor;
- (4) Keeping the board at all times fully advised as to the financial condition and needs of the unified government;
- (5) Conducting studies and investigations and making reports thereon to the board concerning the operations of the departments, offices, and agencies of the unified government;

- (6) Requiring any department, board, commission, or agency under the county manager jurisdiction to submit written reports and to provide other information as deemed necessary;
- (7) Prescribing, requiring, publishing, and implementing standards of administrative, management, and operating practices and procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the unified government which are subject to the county manager's supervision and jurisdiction;
- (8) Acting as the purchasing agent of the Milledgeville-Baldwin County Commission as provided for in SECTION 8-105 of this charter; and
- (9) Maintaining all required records of the operations and activities of the Milledgeville-Baldwin County Commission, including the minutes of all meetings of the board.
- (10) Develop and implement an ongoing Strategic Plan for Milledgeville-Baldwin County, Georgia and provide annual progress updates to the Commission.

Except for the purpose of inquiry and investigation, the commission Mayor and Board shall deal with employees of the unified government who are subject to appointment and removal by the county manager solely through the county manager and shall not give orders or directions to any such employee, either publicly or privately, directly or indirectly.

SECTION 4-103. Attorney; Appointment; Qualifications; Duties; Compensation.

- (a) The Commission Mayor shall make nonbinding recommendations to the board for the attorney of the unified government (referred to at times in this charter as the "attorney"). The recommendations shall become effective when confirmed by a majority vote of the total membership of the board. The attorney shall serve at the pleasure of the Mayor and may be removed from office by the commission Mayor for cause with confirmation of the majority vote of the board.
- (b) The attorney shall be an active member of the State Bar of Georgia in good standing and shall satisfy any other qualifications established by ordinance.
- (c) The attorney shall be the legal counsel to the unified government and shall perform such other duties as may be required by this charter or by ordinance.
- (d) The compensation of the attorney shall be as prescribed by a duly adopted ordinance.

#### SECTION 4-104. Sheriff.

The Sheriff of Baldwin County in office on the effective date of this charter shall be the Sheriff of Milledgeville-Baldwin County, Georgia. The sheriff shall serve for the same term as provided by law, and the compensation shall be fixed as provided by law. Subsequent elections for sheriff shall be on the same basis as provided by law for the election of sheriffs generally. The sheriff shall have such other or different powers and duties as provided by the Constitution and laws of Georgia.

#### SECTION 4-105. Judge of the Probate Court.

The Judge of the Probate Court of Baldwin County in office on the effective date of this charter shall be the judge of the probate court of Milledgeville-Baldwin County, Georgia. The judge of probate court shall serve for the same term as provided by law, and the compensation shall be fixed as provided by law. Subsequent elections for the judge of the probate court shall be on the same basis as provided by law for the election of probate judges generally. The judge of the probate court shall perform the same duties and exercise the same powers as conferred on probate judges generally by the Constitution and laws of Georgia.

#### SECTION 4-106. Clerk of Superior Court.

The Clerk of Superior Court of Baldwin County in office on the effective date of this charter shall be the clerk of superior court of Milledgeville-Baldwin County, Georgia. The clerk of superior court shall serve for the same term as provided by law, and the compensation shall be fixed as provided by law. Subsequent elections for the clerk of superior court shall be on the same basis as provided by law for the election of clerks of superior court generally. The clerk of superior court shall perform the same duties and exercise the same powers as conferred on clerks of superior court generally by the Constitution and laws of Georgia.

#### SECTION 4-107. Tax Commissioner.

The Tax Commissioner of Baldwin County in office on the effective date of this charter shall be the tax commissioner of Milledgeville-Baldwin County, Georgia. The tax commissioner shall serve for the same term as provided by law, and the compensation shall be fixed as provided by law. Subsequent elections for tax commissioner shall be on the same basis as provided by law for the election of tax commissioners generally. The tax commissioner shall perform the same duties and exercise the same powers as conferred on tax commissioners generally by the Constitution and laws of Georgia.

#### SECTION 4-108. Coroner.

The Coroner of Baldwin County in office on the effective date of this charter shall be the coroner of Milledgeville-Baldwin County, Georgia. The coroner shall serve for the same term as provided by law, and compensation shall be fixed as provided by law. Subsequent elections for coroner shall be on the same basis as provided by law for the election of coroners generally. The coroner shall perform the same duties and exercise

the same powers as conferred on coroners generally by the Constitution and laws of Georgia.

#### SECTION 4-109. Clerk.

The Clerk of Commission shall be responsible for: (a) maintaining all required records of the operations and activities of the Milledgeville-Baldwin County Commission including the minutes of all meetings of the Milledgeville-Baldwin County Commission;

(b) Certifying ordinances upon adoption for presentation to the mayor for approval or veto and certify to the authenticity of ordinances which have become law;

(c ) Attesting the mayor's signature on deeds, contracts, agreements and any other obligations on the part of government and the signature of any other officer pursuant to SECTION 7-501 on any such document;

(d) Keeping and affixing the seal;

(e) Providing administrative support to the commission, the mayor and the county manager of Milledgeville - Baldwin County, Georgia, and to carry out such other duties as may be directed by the commission.

### **ADMINISTRATIVE AND SERVICE DEPARTMENTS**

#### SECTION 4-201. Creation and Functions; Generally.

Except as otherwise provided by this charter or by law, the administrative and service departments of the unified government shall be created and established by ordinance and shall perform such functions, duties, services, and responsibilities as enumerated in such ordinances and as prescribed by administrative regulations.

#### SECTION 4-202. Administrative Reorganization.

The board may, by ordinance, reorganize, combine, consolidate, or discontinue any department or agency of the unified government subject to the jurisdiction of the board and may, by ordinance, prescribe the functions and duties thereof and may establish, abolish, or alter any non-elective offices and positions of employment as necessary for the proper administration of the unified government.

#### SECTION 4-203. Appointment of Directors of Departments.

All directors of departments under the supervision and direction of the Milledgeville-Baldwin County County Manager shall be appointed by the Milledgeville-Baldwin County Manager. The directors of all such departments shall serve at the pleasure of the Milledgeville-Baldwin County Manager.

#### SECTION 4-204. Departments under State Law.

(a) All departments, which are created pursuant to state or federal law and which administer various state and federal programs and services, shall continue their operations without interruption resulting from the adoption of this charter.

(b) For employees hired after (date to be determined), whether to continue to offer a program of health care benefits, the nature and structure of such a program, the benefits provided in such a program, and the premiums to be paid by employees for their participation or the participation of their families or dependents, if offered, shall be subject to change from time to time in the sound discretion of the Commission Mayor and commission.

SECTION 4-301. Boards, Commissions and Authorities Certain Boards, Commissions, and Authorities Continued.

(a) All existing boards, commissions, and authorities are continued without interruption on the effective date of this charter. As used in the acts and amendments creating the existing boards, commissions, and authorities, the terms Milledgeville City Council and Baldwin County Board of Commissioners shall mean the Board of Commissioners of Milledgeville-Baldwin County, Georgia, and the terms Mayor of the City of Milledgeville and Chairman of the Baldwin County Board of Commissioners shall mean the Mayor of Milledgeville-Baldwin County, Georgia.

(b) The Board of Commissioners of Milledgeville-Baldwin County, Georgia shall have the authority to examine all existing boards, commissions, and authorities of the former City of Milledgeville and Baldwin County for the purpose of determining whether any such boards, commissions, and authorities should be reorganized or reconstituted for the purpose of increasing their efficient operation. Provided, however, that this authority shall not be construed to authorize the board to affect any board, commission, and authority created by general law or by local constitutional amendment.

(c) The six (6) member Georgia Military College Board of Trustees shall be elected from recognized districts within the Urban Service District (commonly referred to as the City of Milledgeville) and shall serve four year terms beginning with the first term of the Unified Milledgeville-Baldwin County, Georgia government. The qualifications for this position shall be the same as those in place upon adoption of this charter.



## **Article V Judiciary**

### **SECTION 5-101. Superior Court and District Attorney; Unaffected by Charter; Redesignation.**

The Superior Court of Baldwin County, including the office of the District Attorney, shall continue its operations without interruption resulting from the adoption of this charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the Superior Court of Milledgeville-Baldwin County, Georgia.

### **SECTION 5-102. State Court and Solicitor-General; Unaffected by Charter; Redesignation.**

The State Court of Baldwin County, including the office of the solicitor-general, shall continue its operations without interruption resulting from the adoption of this charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the State Court of Milledgeville-Baldwin County, Georgia.

### **SECTION 5-103. Juvenile Court; Unaffected by Charter; Redesignation.**

The Juvenile Court of Baldwin County shall continue its operations without interruption resulting from the adoption of this charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the Juvenile Court of Milledgeville-Baldwin County, Georgia.

### **SECTION 5-104. Probate Court; Unaffected by Charter; Redesignation.**

The Probate Court of Baldwin County shall continue its operations without interruption resulting from the adoption of this charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the Probate Court of Milledgeville-Baldwin County, Georgia.

### **SECTION 5-105. Magistrate Court; Unaffected by Charter; Redesignation.**

The Magistrate Court of Baldwin County shall continue its operations without interruption resulting from the adoption of this charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the Magistrate Court of Milledgeville-Baldwin County, Georgia.

### **SECTION 5-106. Municipal Court of the City of Milledgeville; Abolishment of Operations in the Unified Government:**

(a) On the effective date of this charter, the operations and employees of the Municipal Court of the City of Milledgeville shall continue as the operations and employees of a court of the Unified Government of Milledgeville-Baldwin County, Georgia. The judge of the Municipal Court of the City of Milledgeville shall be eligible to serve as the judge of said court.

(b) Six months after the effective date of this charter, the Municipal Court of the City of Milledgeville shall stand abolished. Any cases pending before the municipal court on that date shall be transferred to the State Court of Milledgeville-Baldwin County,

Georgia. Thereafter, all jurisdiction of the former Municipal Court of the City of Milledgeville shall be transferred to the State Court of Milledgeville-Baldwin County, Georgia.

## **Article VI Elections**

### **SECTION 6-101. Applicability of General Laws.**

Except as otherwise provided by this charter, primaries and regular and special elections shall be conducted in accordance with provisions of Chapter 2 of Title 21 of the O.C.G.A., the “General Election Code.” As used in said code, the terms “election” or “general election” shall be construed to include the term “regular election” as provided in Section 6-102 of this article; the term “governing authority” shall include the Commission Mayor and the Board of Commissioners of Milledgeville – Baldwin County, Georgia; the term “municipal”, “municipality”, or “county” shall include Milledgeville – Baldwin County, Georgia; and the term “public office” shall include elective offices of Milledgeville – Baldwin County, Georgia.

### **Section 6-102. Regular Election, Time of Holding; Voting.**

(a) Except for the initial elections which may or may not be held on the date of regular state elections (see Section 6-301 of this article) regular elections for the elective public officers of Milledgeville – Baldwin County, Georgia, shall be held every two years on the same Tuesday in November when regular state elections are held.

(b) Only the electorate of each of the six (6) election districts as defined in Section 6-201 of this article shall be entitled to vote in the election for the commissioners to be elected from the district.

### **Section 6-103. Special Elections.**

All special elections shall be held and conducted in accordance with applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., the “Georgia Election Code.”

### **Section 6-201. Number of Districts; Boundaries.**

(a) The territory of Milledgeville – Baldwin County, Georgia, shall consist of six (6)-single member election districts to be designated respectively as Districts 1 through 6. The Milledgeville-Baldwin County Commission Mayor shall be elected at large.

### **Section 6-202. Reapportionment of Election Districts.**

(a) The election district boundaries of Milledgeville – Baldwin County, Georgia, shall be reapportioned following the publication of each official federal decennial census of the population of Milledgeville – Baldwin County, Georgia. Such reapportionment shall be accomplished by the adoption of an amendment of this charter, by the General Assembly of Georgia.

(b) The reapportionment of election districts shall comply with the following specifications:

- (1) Each election district shall be formed of contiguous territory and its boundary lines shall be the center lines of streets or other well defined boundaries as utilized by the United States Bureau of the Census; and

- (2) The county will be divided into 6 districts to as closely as possible reflect the population of Milledgeville and Baldwin County with a goal of having three (3) majority districts and three (3) minority districts. The Milledgeville-Baldwin County Unified Government will rely upon the Apportionment Office of the State of Georgia to draw those districts that reflect the goal of the Unified Government.

(c) Any reapportionment of election districts shall apply to officials of the unified government elected at the next regular election following such reapportionment; provided, however, any reapportionment ordinance shall not apply to any regular election or special election held within six months after the act becomes effective.

#### Section 6-301 Special Election of First Officials.

(a) The Board of Elections shall publish notice of all election in the legal organ of Baldwin County at least sixty (60) days prior to the date of such election. Candidates may qualify until thirty (30) days before the date of the election.

(b) In all other respects, the election shall be held in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(c ) The qualifications for office for such initial election shall be as prescribed by applicable provisions of this charter.

(d) Any elected official of Baldwin County or of any municipality lying wholly or partially therein and who is otherwise qualified under this charter shall be entitled to qualify and run for an office of the unified government.

#### SECTION 6-302. Initial Terms of Office.

The initial terms of the Commission Mayor and the first Commissioners of the unified government elected from odd-numbered districts shall be four years. The initial terms of the first commissioners elected from even-numbered districts shall be for two years. After the initial elections, all commissioners shall be elected for four year terms.

#### SECTION 6-303. Elections in General

All elections for seats on the Milledgeville-Baldwin County, Ga. Commission shall be non-partisan.

## **Article VII REVENUE AND FINANCE**

### SECTION 7-101. Taxation and Other Revenues. Levies and Collection of Taxes, Fees, Charges, and Assessments; Appropriations.

(a) For the purpose of raising revenue for the support and maintenance of the government of Milledgeville-Baldwin County, Georgia, the commission shall have full power and authority to levy and collect taxes to the extent hereinafter provided and to appropriate funds and expend money:

- (1) For the purposes authorized by this charter;
- (2) For the discharge of the powers, duties, obligations, liabilities, and functions specified in this charter;
- (3) For any and all purposes and any and all subjects of taxation for which the City of Milledgeville or Baldwin County may have been authorized and in accordance with those authorizations to levy and collect taxes and to appropriate and expend funds under the Constitution or any general or special law of Georgia applicable to the City of Milledgeville or Baldwin County on the effective date of this charter; and
- (4) For any purpose authorized by the Constitution or any general or special law of Georgia applicable to municipal corporations and counties generally now in force or hereafter enacted.

(b) The commission shall have full power and authority to levy and collect the following taxes, charges and assessments:

- (1) Ad valorem taxes on all real and personal property situated within Milledgeville-Baldwin County, Georgia, which is subject to taxation for state, county, and municipal purposes, or for any other public purpose, to the full extent permitted by the Constitution and laws of Georgia, whether local (of the City of Milledgeville or Baldwin County) or general;
- (2) Occupation and business license taxes that are not prohibited by the Constitution and general laws of Georgia. These taxes may be levied upon any person, firm, partnership, company, or corporation which has a location or office within Milledgeville-Baldwin County, Georgia, at which a business, profession, or occupation is conducted. Subject to the restrictions imposed by general law, the Commission may also impose a regulatory fee, whether designated as a license fee or permit fee or other name, on those businesses, professions, or occupations that the government of Milledgeville-Baldwin County, Georgia regulates.

- (3) An excise tax on rooms, lodgings, or accommodations as now or hereafter provided by law for counties and municipalities;
- (4) License fees and taxes on insurance companies as authorized by Code SECTIONS 33-8-8 through 33-8-8.6 of the O.C.G.A.;
- (5) A public utility franchise tax, fee, or both, on each electric light and power company, gas company, telephone and telegraph company, and other public utility making use of the roads, streets, alleys, or other public ways of Milledgeville-Baldwin County, Georgia, for the purpose of rendering services therein;
- (6) Charge and collect franchise fees as now or hereafter provided by law for counties;
- (7) Fees, assessments, and charges for the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, storm sewers, drainage structures, or other utility mains and appurtenances from the abutting property owners under any terms and conditions as provided by ordinance;
- (8) Fees, assessments, charges, and tolls for sanitary and health services or any other services rendered within and without the limits of the unified government under such terms and conditions as provided by ordinance;
- (9) All other such taxes, charges, or assessments as the City of Milledgeville or Baldwin County were authorized and empowered to make and collect upon the effective date of this charter, which powers may be exercised throughout the area of the unified government, or appropriate portions thereof, including any tax now or hereafter authorized by state law and the specific mention of any right, power, or authority in this charter shall not be construed as limiting in any way the general powers of the commission to govern its local affairs. When authorized by this charter or a statute or the Constitution of the State of Georgia, the commission shall have full power and authority to assess, levy, charge, and collect taxes, rentals, interest, fees, penalties, fines, and costs; to receive income on investments; to accept funds, services, or property from other political subdivisions and public agencies, either local, state, or national, and from private persons, firms, or corporations; and to contract with them for any public purpose;
- (10) An excise tax upon the sale of distilled spirits or alcoholic beverages for beverage purposes by the drink as now or hereafter provided by law for counties and municipalities;

(11) An excise tax upon the sale, transfer, or dispensing of malt beverages and alcoholic beverages within Milledgeville-Baldwin County, Georgia, by wholesale or retail dealers as now or hereafter provided by law for counties and municipalities. In addition, the Commission shall have the authority to impose, assess, levy, and collect an excise tax upon the sale, transfer, or dispensing of wine by wholesale or retail dealers within Milledgeville-Baldwin County, Georgia, as now or hereafter provided by law for counties and municipalities; and

(12) One (1) mill of taxes shall be collected from the Urban Services District for Georgia Military College.

(13) Such other taxes and charges as provided by law.

#### SECTION 7-102. Collection of Delinquent Taxes and Fees.

The collection of delinquent taxes and fees shall be as provided in state law for the collection of delinquent property taxes by counties.

#### SECTION 7-103. Homestead Exemptions.

The Homestead Exemptions provided under the Constitution and laws of Georgia presently in force or as hereafter amended shall be applicable to all such property subject to ad valorem taxes within Milledgeville-Baldwin County, Georgia.

#### SECTION 7-104. Tax and Services Districts; Taxation Therein.

(a) The general services area as defined and authorized in paragraph (1) of subsection(a) of SECTION 7-301 of this charter shall constitute a general services tax district wherein the Commission shall levy and collect taxes and shall appropriate money to perform and discharge those powers, functions, and services provided therein by the unified government of Milledgeville-Baldwin County, Georgia.

(b) The urban services area as authorized in paragraph (2) of subsection (a) of Section 7-301 of this charter together with any enlargement or modification thereof pursuant to the provisions of this charter, shall constitute an urban tax district, as the case may be, wherein the Commission may levy and collect additional taxes and may appropriate additional money therefrom to perform and discharge those additional powers, functions, and additional services provided therein by the unified government of Milledgeville-Baldwin County, Georgia.

(c) The assessment of real and personal property for ad valorem tax purposes shall be upon a uniform basis throughout the entire area of the unified government; provided, however, the rate and manner of additional taxation of services districts may vary in any services tax district from that in another or other services tax districts in such a way as to reflect reasonably the kind, character, type, degree, and level of services afforded to such services tax district or districts.

## Borrowing and Indebtedness

### SECTION 7-201. Issuance of General Obligation Bonds.

(a) The Commission shall be authorized to issue and sell general obligation bonds, after approval of the qualified voters, under the provisions of the Constitution and general laws of Georgia for any public purpose for the benefit of the unified government or any tax area or services district thereof; provided, however, that for the purpose of issuing and selling such general obligation bonds, the unified government of Milledgeville-Baldwin County, Georgia shall be deemed a county and the provisions of the Constitution and laws of Georgia governing the limitations, terms, and procedures for the issuance and sale of bonds by counties shall apply to the unified government unless otherwise provided by this charter.

(b) All general obligation bonds shall be issued in the name of Milledgeville-Baldwin County, Georgia, and shall be an obligation thereof, and the full faith and credit of the unified government of Milledgeville-Baldwin County, Georgia shall be pledged for all general obligation bonds issued thereunder which are payable from ad valorem taxes, and for such purpose, the commission shall have the authority to levy and collect ad valorem taxes without limit as to rate or amount on all taxable property within the territorial limits of the unified government.

### SECTION 7-202. Debt Limitation; General Obligation Bonds.

The total general obligation bond indebtedness of the unified government of Milledgeville-Baldwin County, Georgia, payable from ad valorem taxes (including all outstanding general obligation bonds of the former City of Milledgeville and Baldwin County on the effective date of this charter) shall not exceed 10 percent of the assessed value of all taxable property within the territorial limits of the unified government.

### SECTION 7-203. Revenue Bonds.

The commission shall be empowered and authorized to issue revenue bonds for the purposes and in the manner as now or hereafter provided by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law."

### SECTION 7-204. Use of Bond Proceeds.

All revenue derived by Milledgeville-Baldwin County, Georgia from the issuance and sale of bonds shall be used exclusively for the purposes for which such bonds were issued, and all ad valorem taxes collected for the purpose of servicing or retiring such bonds shall be used exclusively for the payment of principal and interest thereof.

### SECTION 7-205. Allocation of Indebtedness.

(a) All general indebtedness of Baldwin County, whether represented by general obligation bonds or otherwise, which may be outstanding upon the effective date of this



charter, shall be allocated to the general services area as defined in paragraph (1) of subsection (a) of SECTION 7-301 of this charter, and is hereby recognized as the obligation of the general services area of Milledgeville-Baldwin County, Georgia. All general indebtedness of the City of Milledgeville, whether represented by general obligation bonds or otherwise which may be outstanding upon the effective date of this charter, shall be allocated to the urban services area as is defined in paragraph (2) of subsection (a) of SECTION 7-301 of this charter. The commission is hereby authorized to levy taxes and otherwise provide for the retirement thereof, subject to the terms of this charter. Any funds in the control of the heretofore existent City of Milledgeville and Baldwin County, now consolidated into Milledgeville-Baldwin County, Georgia, by this charter, which theretofore had been allocated to the retirement of any bonded indebtedness of said municipality and county shall be so applied by the Commission.

(b) All general obligation bonds issued prior to the effective date of this charter by Baldwin County and all bonds authorized but unissued by Baldwin County on the effective date of this charter and thereafter issued by Milledgeville-Baldwin County, Georgia, shall be allocated to the general services area, and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the general services area. All general obligation bonds issued prior to the effective date of this charter by the City of Milledgeville and all bonds authorized but unissued by the City of Milledgeville on the effective date of this charter and thereafter issued by Milledgeville-Baldwin County, Georgia, shall be allocated to the urban services area, and the principal and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the urban services area.

(c) Any revenue bonds issued prior to the effective date of this charter by the City of Milledgeville or Baldwin County under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," and any such revenue bonds authorized but unissued by the said city or county on the effective date of this charter and thereafter issued by Milledgeville-Baldwin County, Georgia, shall be payable as to principal and interest from the revenues or sources and in the manner provided in the proceedings which authorized the issuance of such revenue bonds.

(d) Neither the allocation of bonds to the general services area nor any of the other provisions of this charter shall impair or diminish any of the rights, revenues, or security and source for payment of any of such bonds or revenue bonds issued by the City of Milledgeville or by Baldwin County prior to the effective date of this charter, or authorized but unissued by the City of Milledgeville or by Baldwin County on the effective date of this charter and thereafter issued by Milledgeville-Baldwin County, Georgia; and such holders of such bonds or revenue bonds shall have and be entitled to enforce any and all rights, remedies, and security and sources for payment granted such holders by the proceedings which authorized the issuance of such bonds or revenue bonds as fully and to the same extent as if this charter had not been adopted.

#### SECTION 7-301. Financing of Services. General and Urban Services Areas.

- (a) In Milledgeville-Baldwin County, Georgia, there shall be:
- (1) A general services area which shall consist of the total area of Baldwin County as fixed and established upon the effective date of this charter or as hereafter modified according to law;
  - (2) An urban services area which shall consist of the area embraced within the corporate limits of the City of Milledgeville as the same exists upon the day immediately preceding the effective date of this charter or as such area may be hereafter expanded as herein provided; and
  - (3) Such special services areas as the commission may hereafter establish.
- (b) All other tax districts existing in the City of Milledgeville or Baldwin County immediately prior to the effective date of this charter are continued in effect by this charter.
- (c) Such services areas shall be tax districts wherein taxes and other assessments shall be assessed, levied, and collected by the unified government in accordance with the kind, character, type, and degree of services actually provided therein and may vary in any one services area from that of another or other areas in accordance with the provisions of this charter. The powers, authority, duties, liabilities, services, and functions of Milledgeville-Baldwin County, Georgia, may vary in any services area from that in another or other services areas.
- (d) The unified government is hereby empowered to exercise and provide within the general services area and within any urban services area established by this charter or by ordinance of the commission those powers, functions, and services which have theretofore been exercised and provided by Baldwin County or the City of Milledgeville, or both; all powers, functions, and services authorized by this charter, and any amendments thereto; and all powers, functions, and services which counties and municipal corporations, or both, are now or hereafter authorized to exercise under the Constitution and laws of Georgia.
- (e) The unified government shall perform or procure the performance within the general services area of those governmental duties, functions, and services which are generally available and accessible to all residents throughout the total territory of Milledgeville-Baldwin County, Georgia.
- (f) The unified government shall perform within its urban services areas those additional, more comprehensive and intensive, and higher levels of governmental duties, functions, and services which benefit primarily the residents of such urban services areas.

#### SECTION 7-302. Creation of Services Areas by Ordinance.

Except as otherwise provided by this charter, services areas of the unified government shall be created, expanded, merged, unified, or reduced only by ordinance duly adopted by the Commission under such general rules, procedures, regulations, requirements, and specifications as are established by the commission and this charter. Such rules and regulations shall set forth the manner and method for the creation of new services areas and the expansion, unification, reduction, or merger of existing services areas; set forth requirements for defining functions and policies for rendering services, for changing levels of services within existing services areas, and for transferring territory from one services area to another; and set forth requirements for defining boundaries of services areas.

#### SECTION 7-303. Requirements for Defining Boundaries.

Whenever in this chapter it is required that the boundaries of a services area be set out, it shall suffice if the boundaries are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the commission, the boundaries may be described: (1) by reference to a map; (2) by metes and bounds; (3) by general description referring to roads or natural boundaries or to the boundaries of particular tracts or parcels of land; or (4) by any combination of the above methods.

#### SECTION 7-304. Notice of Hearing Prior to Adoption of Ordinance.

Before it adopts any ordinance authorized or described in SECTIONS 7-301 through 7-303 of this charter, the commission shall give notice of its intentions to consider the ordinance and shall provide an opportunity for interested persons to be heard as is provided for in SECTION 1-105(e) of this charter.

#### SECTION 7-401. Financial Administration. Fiscal Year.

The initial fiscal year of Milledgeville-Baldwin County, Georgia, shall begin on the first (1<sup>st</sup>) day of January of each year and shall end on the thirty-first (31<sup>st</sup>) day of December. The commission may adopt a different fiscal year by ordinance, which shall not be effective until at least six months after the date of adoption thereof. The fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, institution, agency, and activity of the unified government, unless otherwise provided by state or federal law.

#### SECTION 7-402. Preparation of Budgets.

The preparation of an annual budget and a capital improvements budget shall be as prescribed by ordinance and provisions of this charter. In addition, the unified government of Milledgeville-Baldwin County, Georgia may adopt budgets as are permitted by general law, including but not limited to, project budgets for major capital projects and fund budgets.

#### SECTION 7-403. Scope of Budgets.

- (a) The annual budget should consist of two parts:
  - (1) Part I of the annual budget shall apply only to the operating expenses of the unified government; and
  - (2) Part II of the annual budget shall apply only to capital improvement expenses of the unified government.
- (b) Each section of the annual operating and capital budget shall contain with respect to each of the operating funds of the government of Milledgeville-Baldwin County, Georgia, to which they are applicable:
  - (1) A reasonable estimate of cash revenues to be received during the ensuing year, classified according to source;
  - (2) Proposed expenditures detailed by each department, commission, commission, office, agency, and activity in accordance with an established classification of accounts, including those capital outlays which are to be financed from the revenues of the ensuing year and including all debt service requirements in full for such fiscal year; and
  - (3) Such other information as may be considered necessary or desirable by the commission Mayor or the commission.
- (c) In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated un-appropriated surplus or fund balance and applicable reserves less any estimated deficit at the end of the current fiscal year.
- (d) The capital improvements budget shall describe capital projects anticipated, the proposed expenditures there to, and the revenues or other sources of funds anticipated to finance such capital projects.

#### SECTION 7-404. Submission of Budgets to the Commissioners.

- (a) In advance of initiating preparations of the annual budget, the commission Mayor, with participation of the commission, shall develop a statement of the general fiscal policies of Milledgeville-Baldwin County, Georgia, the important features of the budgets, explanations of major changes recommended for the next fiscal year, a general summary of the budgets, and such other comments and information as may be deemed pertinent.
- (b) On or before a date fixed by the commission but not later than 60 days prior to the beginning of each fiscal year, the Milledgeville-Baldwin County, Georgia, county manager in consultation with the department heads will prepare an operating budget to submit to the commission Mayor. The commission Mayor of the unified government

shall submit to the Commission a proposed operating budget and a proposed capital improvements budget for the ensuing fiscal year. Such budgets shall be accompanied by a message from the commission Mayor containing a statement of the general fiscal policies of Milledgeville-Baldwin County, Georgia, the important features of the budgets, explanations of major changes recommended for the next fiscal year, a general summary of the budgets, and such other comments and information as may be deemed pertinent. A summary of the budgets and the commission Mayor's message thereon shall be published in a newspaper of general circulation designated as the legal organ of the unified government. The operating budget and the capital improvements budget, the budget message, and all supporting schedules shall be filed in the Milledgeville-Baldwin County, Georgia, county manager's office and shall be open to public inspection.

#### SECTION 7-405. Adoption of Budgets.

(a) The commission shall approve, reject, or amend the proposed operating budget. The budget as finally adopted must provide for all expenditures required by law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues, constituting the resources available of such fund.

(b) The commission shall adopt the final annual operating budget for the ensuing fiscal year not later than the thirty-first (31) day of December of each year, and such budget shall be effective for the fiscal year beginning on the first day of January. In the event the Commission fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year, with appropriate items prorated accordingly until such time as the Commission shall adopt a budget for the ensuing fiscal year. Adoption of the annual operating budget shall take the form of an appropriation ordinance setting out estimated revenues in detail by source and making appropriations accordingly to fund organizational units, purposes, or activities as set forth in the budget document.

(c) The amount set out in the adopted operating budget for each organizational unit, purpose, or activity shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriation, or allotment thereof, to which it is chargeable.

(d) The commission shall adopt by ordinance the capital improvements program and capital budget for the ensuing fiscal year not later than the thirty-first (31<sup>st</sup>) day of December of each year. The capital budget ordinance shall show in detail the capital expenditures intended to be made or incurred in the ensuing fiscal year that are to be financed from funds subject to control or appropriation by the commission and shall be in full conformity with that part of the capital program applicable to the year which it covers. Amounts specified as intended to be spent out of new appropriations shall, upon enactment of the capital budget ordinance, constitute appropriations of such amounts.

#### SECTION 7-406. Property Tax Levies.

Following the adoption of the operating and capital improvements budgets for each fiscal year:

- (1) The commission shall levy by ordinance a general services area tax on all real and personal property within the general services tax district as provided by this charter. The tax rate set by such ordinance shall be such that a reasonable estimate of cash revenues from such levy shall be at least sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general services area for services to be rendered throughout the entire area of Milledgeville-Baldwin County, Georgia. Such services shall include those functions set forth in SUBSECTIONS (c) and (d) of SECTION 7-301 of this charter, and such other purposes, functions, and services as may be authorized by the laws of Georgia, by this charter, or by ordinance of the Commission;
- (2) The commission shall levy by ordinance a special services area tax on all real and personal property within any special services tax district as authorized by this charter. The tax rates set by such ordinance for each district shall be such that a reasonable estimate of cash revenues from such levy shall be at least sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of a higher level of services to be rendered in a special services area.

#### SECTION 7-407. Limitation of Funds.

Upon certification by the Milledgeville-Baldwin County, Georgia, county manager that the revenues or other resources actually realized with respect to any fund will be less than anticipated and will be insufficient to meet the amounts appropriated from such fund, it shall be the duty of the Milledgeville-Baldwin County, Georgia, county manager upon the instruction of the mayor of the unified government to limit such expenditures as may be necessary to prevent deficit operation.

#### SECTION 7-408. Transfer of Funds.

Upon recommendation of the Milledgeville-Baldwin County, Georgia, county manager and approval of a majority vote of the board, the commission may make inter-fund or interdepartmental transfers in the current operating budget or capital improvements budget at any regular or special meeting called for such purpose, provided funds are also available.

#### SECTION 7-409. Lapse of Appropriations.

All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the un-appropriated surplus or reserves of the fund or funds from which such appropriations were made.

#### SECTION 7-410. Continuing Audit.

The auditor shall conduct a continuing internal audit of the fiscal affairs and operations of every department, office and agency of the unified government.

#### SECTION 7-411. Post-audit.

(a) The commission shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the government of Milledgeville-Baldwin County, Georgia, and of every office, department, commission, commission authority, or other agency. The audit shall be made by a certified public accountant who shall have no personal interest, direct or indirect, in the fiscal affairs of Milledgeville-Baldwin County, Georgia, or of any of its departments, offices, commissions, authorities, or agencies. The commission shall by competitive bids, taking into consideration the lowest and best bid, designate such accountant or firm annually or for a period not exceeding three years.

(b) The audit may be conducted on a quarterly or continuing basis and the final report of the annual audit shall be completed as soon as practicable after the close of the fiscal year, and in no event later than six months after the close of the fiscal year. The audit report shall be filed with the Milledgeville-Baldwin County, Georgia, county manager and made available to the public.

(c) The commission may at any time order an examination or special audit of any office, department, commission, or other agency of Milledgeville-Baldwin County, Georgia.

### Procurement and Disposition of Property

#### SECTION 7-501. Contracting Procedures.

The Commission shall prescribe by ordinance rules and regulations which must be followed in the making of contracts in order to bind the government of Milledgeville-Baldwin County, Georgia. Except where otherwise provided by law or by ordinance, all contracts of the government of Milledgeville-Baldwin County, Georgia, shall be signed by the mayor and authenticated by the Milledgeville-Baldwin County, Georgia, county manager.

#### SECTION 7-502. Sale and Disposition of Property.

(a) The commission is authorized to sell any real or personal property owned or held by Milledgeville-Baldwin County, Georgia, and not needed for governmental or other public

purposes in such manner as is required in state law for counties, as provided for in Code SECTIONS 36-9-2 and 36-9-3 of the O.C.G.A.

(b) The commission is empowered to authorize the following transactions:

- (1) A transfer of any real or personal property owned by Milledgeville-Baldwin County, Georgia, to another governmental entity upon finding that such transfer is in the public interest;
- (2) A sale of any such property to another governmental entity; and
- (3) An exchange of such property for property that is owned privately or by some other governmental entity.

In each instance, whether the property is transferred, sold, or exchanged, the requirements of a public sale shall not be required; but a statement thereof shall be published in the newspaper designated as the legal organ of the unified government once a week for the two weeks preceding the day in which such transaction is to be concluded. Such statement shall contain a description of the property or properties involved and the prices and estimated values as to each item of property.

(c) Milledgeville-Baldwin County, Georgia, may quitclaim any rights it may have in property not needed for public purposes upon a report by the county manager of the unified government and the adoption by the commission of a resolution, both finding that the property is not needed for public purposes and that the interest of the government of Milledgeville-Baldwin County, Georgia, therein has no readily ascertainable monetary value.

(d) Whenever in opening, extending, or widening any street, avenue, alley, or public place of Milledgeville-Baldwin County, Georgia, a small parcel or tract of land is cut off or separated by such work from a larger tract of land owned by Milledgeville-Baldwin County, Georgia, the commission may authorize the execution and deliverance in the name of the government of Milledgeville-Baldwin County, Georgia, of a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way in said street, avenue, alley, or public place, or in settlement of any alleged damages sustained by said abutting or adjoining property owner. All deeds and conveyances so executed and delivered shall convey all title and interest the government of Milledgeville-Baldwin County, Georgia, has in such property.



## **Article VIII**

### **GENERAL PROVISIONS**

#### SECTION 8-101. Application of Laws; Laws in Force.

(a) The general laws of the State of Georgia of a criminal nature shall be applicable to and within the limits of the unified government. General laws of local application through classification by population, not in conflict with this charter:

- (1) Which on the effective date of this charter apply to the City of Milledgeville or Baldwin County, Georgia, shall be applicable to the unified government; and
- (2) Which apply to Milledgeville-Baldwin County, Georgia, as either a city or a county at the time of their enactment or thereafter shall be effective; but those which did not apply to the City of Milledgeville or Baldwin County or the unified government at the time of their enactment shall not become applicable to the unified government except through the adoption of a resolution to that effect by the Board.

(b) Local Acts of the State of Georgia which apply specifically to either Baldwin County or the City of Milledgeville, or both, shall be applicable to the unified government.

(c) In construing the applicability of provisions of the Constitution and the general laws of Georgia which apply in general terms to either counties or municipalities, or both, and local Acts of the General Assembly that apply specifically to Baldwin County or the City of Milledgeville, or both, the following terms as used in such laws shall be construed to include the unified government as follows:

- (1) "County" shall be construed to include Milledgeville-Baldwin County, Georgia;
- (2) "City," "town," "municipal corporation," or "municipality" shall be construed to include Milledgeville-Baldwin County, Georgia;
- (3) "Council," "Mayor", "Mayor and Council," "Aldermen," and "Board of Aldermen" shall be construed to include the Board of Commissioners of Milledgeville-Baldwin County, Georgia;
- (4) "Mayor" shall be construed to include the Board Chair of Milledgeville-Baldwin County, Georgia; and
- (5) Any other terms and provisions as used in such Acts to refer specifically to Baldwin County or the City of Milledgeville, or both, and the officers, employees, departments, and agencies thereof shall be construed to mean Milledgeville-Baldwin County, Georgia, and its officers, employees, departments, and agencies.

(d) In construing the applicability of laws in force to the unified government, the following order shall prevail:

- (1) The Constitution of the State of Georgia;
- (2) The general laws of uniform application now in force or hereafter enacted by the General Assembly (as distinguished from general laws of local application through classification by population) applicable to municipal corporations or counties, or both;
- (3) The general laws of local application through classification by population as and to the extent provided in subsection (a) of this section;
- (4) Special laws applicable to Baldwin County, not in conflict with this charter;
- (5) Special laws applicable to the City of Milledgeville, not in conflict with this charter;
- (6) This charter and all ordinances and resolutions passed pursuant thereto; and
- (7) Existing ordinances and resolutions of the former City of Milledgeville and existing ordinances and resolutions of the former County of Baldwin not in conflict with this charter.

SECTION 8-102. Limitation on Claims and Service.

(a) All contractual claims against the unified government shall be presented within 12 months after they accrue or become payable or the same as claimed, unless held by minors or other persons laboring under disabilities, who are allowed 12 months after the removal of such disability.

(b) Service on the unified government of any suit, process, or order of court shall be served upon the mayor.

SECTION 8-103. Tort and Nuisance Liability.

The tort and nuisance liability of the unified government shall follow the law and rules of tort liability applicable to counties in Georgia.

SECTION 8-104. Conflict of Laws.

For purposes of all applicable laws, the unified government of Milledgeville-Baldwin County, Georgia, shall constitute a municipality and a county, or both. Except as otherwise provided by this charter, if a law applicable to the county and the same or another law applicable to cities are in conflict, the law applicable to counties shall prevail.

#### SECTION 8-105. Competitive Bidding.

All departments and agencies of the unified government must utilize competitive bidding procedures, as specified in an ordinance of the Board, for all purchases in excess of an amount provided for in an ordinance of the Board, unless such purchase shall be otherwise approved by four of the seven commissioners.

#### SECTION 8-106. Execution of Assessments.

Whenever any tax or special assessment is authorized or empowered to be levied or imposed by this charter which is required to be collected by the unified government and such is not paid within the time period specified by the Board and no specific provision is elsewhere provided in this charter for its collection, then the county manager shall issue execution in the name of Milledgeville-Baldwin County, Georgia, against such person, firm, or entity liable therefore or property subject thereto for such sums as may be due with interest at the legal rate from due date, and penalties and costs. The unified government shall have the right to enforce payment of such execution by levy and sale as in the case of county taxes, and the purchaser at such sale shall acquire the same title and rights as a purchaser at a sale for county taxes. Executions issued by the county manager of Milledgeville-Baldwin County, Georgia, and the levy and sale thereunder shall be governed by general law.

#### SECTION 8-107. Authority to Deal with Federal and State Agencies.

The Unified Government of Milledgeville-Baldwin County, Georgia, shall have the power and authority to participate in, cooperate in, and take all necessary action with respect to any and all projects, programs and undertakings of any nature authorized by any statute, rule, or regulation of the United States, the State of Georgia, or any federal or state agency or instrumentality, including but not limited to community development, highways, aviation, aviation terminals, airports, airport facilities, municipal area or regional development, sewer and sewage disposal, public housing, housing for the aged, and transportation or mass transit or any phase thereof; to borrow money and issue promissory notes, general obligation bonds, or revenue bonds or a combination thereof for any such purposes in accordance with provisions of this charter; and to execute mortgages or deeds of trust in favor of any federal agency, secured by property of which the unified government is the legal or beneficial or equitable owner, or in favor of any private agency where the loan is guaranteed by a federal agency.

#### SECTION 8-108. Federal and State Aid.

The unified government of Milledgeville-Baldwin County, Georgia, shall be deemed a county but shall also be deemed an incorporated city or municipality for the purpose of determining its right to receive and for the purpose of receiving state aid or grant-in-aid from the state of Georgia or from the United States or from any agency or instrumentality thereof or from any other source, public or private. The unified government shall be entitled to receive as state aid or as grant-in-aid from the State of Georgia or from the

United States or from any agency or instrumentality thereof or from any other source, public or private, all funds to which a county is, or may hereafter be, entitled, and also all funds to which an incorporated city or municipality is or may be hereafter entitled, and to receive the same without diminution or loss by reason of unification. When state aid or other grant-in-aid is distributed to any county on the basis of population or area, or both, then the entire population and the total area of Milledgeville-Baldwin County, Georgia, shall be considered in calculating and determining the basis for such distribution. When state aid or other grant-in-aid is distributed to any county on the basis of rural area, rural road mileage, or rural population, or any combination thereof, then that area of the general services area outside of the urban services area or areas of Milledgeville-Baldwin County, Georgia shall be deemed to constitute rural area, its road mileage to constitute rural road mileage, and its population to constitute rural population. When state aid or other grant-in-aid is distributed to any incorporated city or municipality on the basis of population or area, or both, then the population or the area of the urban services area or areas of Milledgeville-Baldwin County, Georgia, shall be deemed the population and the area used in calculating and determining the basis of such distribution.

#### SECTION 8-109. Budgets of County Officers and Agencies.

All elected officers and all agencies not under the direct control and jurisdiction of the county manager such as the Board of Health and the Board of Family and Children Services, which receive appropriations from the board, shall, on the same date as is applicable to budgets submitted by department heads, submit to the Milledgeville-Baldwin County, Georgia, county manager annual operating and capital budget requests for the ensuing fiscal year. Such budget requests, after any revisions therein by the Milledgeville-Baldwin County, Georgia, county manager and the Milledgeville-Baldwin county commission Mayor, shall be incorporated into the overall unified government budget for submission by the Milledgeville-Baldwin County mayor to the commission, which shall grant a hearing to any such officer or agency on such proposed budgets.

#### SECTION 8-110. Existing Pension Rights Protected.

(a) Persons who, at the time this charter takes effect, are employed by any office, department, board, commission, or agency of the former City of Milledgeville shall retain all pension rights which have accrued to them under any existing pension system. Milledgeville-Baldwin County, Georgia, shall continue in force and effect any existing pension system for city employees covered thereby who are employed by the unified government, and the services of such employees shall not be deemed to have been interrupted by the adoption of this charter.

(b) Persons who, at the time this charter takes effect, are employed by any office, department, board, commission, or agency of the former County of Baldwin shall retain all rights which have accrued to them under any existing pension system. Milledgeville-Baldwin County, Georgia, shall continue in force and effect any existing pension system for county employees covered thereby who are employed by the unified government,

and the services of such employees shall not be deemed to have been interrupted by the adoption of this charter.

(c) No employee (person's) seniority, salary, benefit shall be demised or eliminated as a result of unification.

#### SECTION 8-111. Establishment of New Pension Systems; Merging of Existing Systems.

The Board is hereby authorized and empowered to establish and maintain a new pension system or pension systems affecting new employees and such other employees as desire to be covered thereby and to revise, combine, and consolidate any pension system in effect on the effective date of this charter; provided, however, that in no event shall any revision, combination, or unification of any existing pension system in effect when this charter is adopted result in the curtailment or diminishment of any right accrued under any existing pension system to any person heretofore employed by the City of Milledgeville, Baldwin County, or of any agency of such former governments.

#### SECTION 8-112. Amending Charter.

This charter may be modified, rescinded, changed, or amended by only the following methods:

- (1) An act of the General Assembly of Georgia; or
- (2) An ordinance adopted by the Board of Commissioners of Milledgeville-Baldwin County, Georgia, as provided for in Article IX, SECTION II, Paragraph I of the Constitution of the State of Georgia.

#### SECTION 8-113. Fidelity Bonds.

All officers of Milledgeville-Baldwin County, Georgia, both elected and appointed, shall execute such official bonds in such amounts and upon such terms and conditions as the law or the Board may require.

#### SECTION 8-114. Examples of Powers.

The powers of Milledgeville-Baldwin County, Georgia, shall include, but shall not be limited to, the following powers:

- (1) Ad valorem taxation: to levy, assess, and collect ad valorem taxes on all taxable property;
- (2) Other taxes: to levy, assess, and collect other taxes allowed by general law and in accordance therewith;
- (3) Business regulation and taxation: to levy, assess, and collect occupation taxes and to license and regulate occupations and businesses
- (4) Appropriations: to make appropriations and expend funds for support of the unified government and any other lawful purpose

- (5) Debts: to borrow money and issue bonds as authorized by general law
- (6) Property: to own property and interests in property
- (7) Gifts: to accept gifts and grants for any purpose related to the powers and duties of the unified government on such terms as the donor may impose
- (8) Condemnation: to condemn property inside the unified government for present or future use
- (9) Public utilities: to acquire, lease, operate, and dispose of public utilities;
- (10) Franchises: to grant franchises or make contracts for public utilities and to prescribe the conditions of such franchises and contracts;
- (11) Roadways: to open, maintain, improve, and close streets and roads and to grant franchises and rights of way thereon;
- (12) Public facilities: to acquire, operate, and dispose of public buildings, public projects, parks, cemeteries, recreational facilities, and other public improvements inside the unified government;
- (13) Building regulation: to regulate the building trades and the construction of buildings and to adopt and enforce building, housing, plumbing, electrical, gas, heating, and air-conditioning codes;
- (14) Planning and zoning: to adopt land use plans and exercise the power of zoning, subdivision regulation, and the like;
- (15) Police power: to exercise the police power for the public safety and well-being of the citizens of the unified government;
- (16) Roadside regulation: to prohibit or regulate signs, billboards, and other items upon or adjacent to streets and roads;
- (17) Health: to prescribe and enforce health and sanitation standards;
- (18) Pollution: to regulate emissions which pollute the air and water;
- (19) Fire safety: to fix fire limits and to prescribe and enforce fire safety regulations;
- (20) Public hazards: to provide for the destruction or removal of public hazards;
- (21) Waste disposal: to provide for and regulate the collection, disposal, and recycling of garbage and wastes;
- (22) Water and sewer fees: to fix and collect water and sewer fees;
- (23) Garbage fees: to fix and collect garbage fees;
- (24) Nuisances: to define and provide for the abatement of nuisances;
- (25) Property protection: to preserve and protect the property of the unified government;
- (26) Prisoners: to provide for public work by prisoners and for their confinement;
- (27) Animal control: to regulate or prohibit the keeping of animals;
- (28) Motor vehicles: to regulate the operation and parking of motor vehicles;
- (29) Taxicabs: to regulate vehicles operated for hire in the unified government;
- (30) Pensions: to provide and maintain a system of pensions and retirement for employees and officers of the unified government;
- (31) Special Assessments: to levy, assess, and collect special assessments to cover the cost of public improvements;
- (32) Contracts: to enter into lawful contracts and agreements;

- (33) Agencies: to create, alter, or abolish departments, boards, offices, commissions, authorities, and agencies of the unified government and to confer appropriate authority upon them;
- (34) Penalties: to provide penalties for violations of ordinances of the unified government;
- (35) Law Enforcement and Fire Protection: to exercise the power of arrest through appointed deputies and to operate a fire department;
- (36) Emergencies: to provide for the determination, proclamation, and combating emergencies;
- (37) Urban Redevelopment: to organize and operate an urban redevelopment program;
- (38) Public Transportation: to organize and operate public transportation programs;
- (39) General health, safety, and welfare: to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the unified government.

#### SECTION 8-115. Provision of Services.

When determining services to be provided, the unified government of Milledgeville-Baldwin County, Georgia, shall always attempt:

- (1) To efficiently allocate resources to increase the quality of life for all citizens of Milledgeville-Baldwin County, Georgia;
- (2) To provide the highest quality services to all citizens of Milledgeville-Baldwin County, Georgia;
- (3) To ensure efficient utilization of community resources;
- (4) To promote equity for all citizens in the delivery of governmental services throughout Milledgeville-Baldwin County, Georgia; and
- (5) To recognize and consider the advantages of the provision of services through contractual arrangements with other governments and private enterprises.

#### SECTION 8-116. Historic Items.

It shall be the responsibility of the unified government to collect, preserve, and display documents and other items of historical significance to the City of Milledgeville, Baldwin County, and Milledgeville-Baldwin County, Georgia.

SECTION 8-117. Section Captions.

The captions to the several sections of this charter are informative only and are not be construed as a part thereof.

SECTION 8-118. Effect of Repeals.

No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein of the repealing Act or by any provision of this charter that disclaims an intention to repeal or affect enumerated laws.

SECTION 8-119. Severability Clause.

If any provision of this charter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect 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.

SECTION 8-120. Repeal of Conflicting Laws.

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



## **Article IX**

### **Transition Provision**

#### **SECTION 9-101. - Special election of first officials.**

(a) A special election shall be held on a date fixed by the board of elections, as provided in SECTION 9-115 of this charter, for the purpose of electing the first Commission Mayor and members of the Commission of the unified government. The board of elections shall publish notice of the call for such election of appropriate circulation at least sixty (60) days prior to the date of such election. Candidates may qualify no later than thirty (30) days prior to the election.

(b) In all other respects, the election shall be held in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code; applicable to county elections. The officials elected at such election shall commence the term of their office on the effective date of this charter.

(c) The qualifications for office for such initial election shall be as prescribed by applicable provisions of this charter.

(d) Any elected official of Baldwin County or of any municipality lying wholly or partially therein and who is otherwise qualified under this charter shall be entitled to qualify and run for an office of the unified government.

#### **SECTION 9-102. Initial terms of office.**

The initial terms of the commission Mayor and the first commissioners of the unified government elected from the odd-numbered districts shall be for four (4) years. The initial terms of the first commissioners of the unified government elected from even-numbered districts shall be for two (2) years. After the initial elections, all commissioners shall be elected for four-year terms.

#### **SECTION 9-103. Provision of services during transition.**

In order to unify the two (2) governments and to assure the common and continued administration of services currently provided by both the City of Milledgeville and Baldwin County, the following procedures shall apply:

(1) On the effective date of the new unified government, all services currently provided by the county shall be provided through the general services area to all residents of the county, and all services provided by the city shall be provided through the urban services area to the current residents of the City of Milledgeville. Assuming the continued availability of state and federal funds, these service arrangements shall apply until modified as provided under the provisions cited below;

(2) Within four (4) years of the effective date of this charter, the unified government shall adopt a service delivery plan (HB 489 Requirement) that includes, but is not limited to, the following:

(A) An administrative mechanism with appropriate status and adequate budget to develop and implement a comprehensive program of human and economic development. The program shall be responsible for identifying problems and needs that exist in the community and for identifying and securing resources needed to effectively address these problems and needs.

(B) An administrative mechanism with appropriate status and adequate budget to develop and implement adequate parks and recreation programs that will be available to all citizens of Milledgeville-Baldwin County, Georgia;

(3) The unified government shall work with due speed to equalize the charges for all services throughout the county.

#### SECTION 9-104. Protection and compensation of existing employees.

(a) All full-time employees of the City of Milledgeville and Baldwin County, Georgia, and all full-time employees of any department, office, or agency thereof shall, upon the termination of said city and county governments and the inception of the unified government, become employees of the unified government or of a department, office, or agency thereof and shall be assigned to duties as similar in nature as may be practicable within said government.

(b) No permanent full-time employee of the City of Milledgeville and/or Baldwin County shall lose a position or suffer any diminution of compensation resulting from the adoption of this charter. The definition of compensation includes, but is not limited to, salary, insurance and retirement benefits, annual and sick leave.

(c) Within 12 months of the effective date of this Charter the unified government shall have begun implementation of a plan that ensures that all employees performing the same functions and having the same responsibilities receive uniform compensation by the end of the fourth (4<sup>th</sup>) year of operation of the unified government. This requirement that there be a uniform level of compensation throughout Milledgeville - Baldwin County, Georgia, by the end of the fourth (4<sup>th</sup>) year does not require (does leave a freeze open) that there be any freeze on employee compensation.

(d) Elimination of the duplication of functions shall be addressed through attrition and reassignment. Therefore, no permanent full-time employee of the City of Milledgeville or Baldwin County, Georgia, at the time of unification shall suffer any reduction of compensation resulting from the adoption of this charter.

(e) No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any position in the unified government because of race, gender, religion, age, handicap, or national origin (**Civil Rights Act of 1964 & 1972**).

#### SECTION 9-105. Effective date of Charter.

This charter shall become effective upon the election of a commission Mayor and board of commissioners for Milledgeville – Baldwin County, Georgia, and their taking office as the governing authority of the unified government.

#### SECTION 9-106. Initial budget.

The first full 12 month budget of the unified government (**dates**) shall not exceed an amount equal to the combined (**year**) fiscal year general operating budgets of the City of Milledgeville and Baldwin County, plus increases due to inflation as specified in figures (Consumer Price Index) from the United States government (**if approved**), (but not including capital road improvements and other special revenue funds under **SPLOST**).

#### SECTION 9-107. Number of employees.

From the effective date of this charter until (specify date), the total number of employees of Milledgeville-Baldwin County, Georgia, shall not exceed the combined number of employees authorized for the governments of the City of Milledgeville - Baldwin County on the effective date of this charter except as otherwise mandated by law.

#### SECTION 9-108. Cooperation of former governments.

All officers, officials, and employees of the former City of Milledgeville and Baldwin County shall cooperate with and assist the Mayor, the Commission Board, the Milledgeville-Baldwin County, Georgia, County Manager, and other officers of Milledgeville-Baldwin County, Georgia:

(1) In planning the unification of departments, boards, commissions, and agencies of said former governments and in transferring the functions, duties, and responsibilities of such departments, boards, commissions, authorities, and agencies to the appropriate agencies of the unified government of Milledgeville – Baldwin County, Georgia; and

(2) In all other respects in order that the transfer of the governments be accomplished in the most orderly manner possible. The officers of the unified government shall be entitled to examine all records, files, and other data in the possession of the former governments and of all officers, officials, employees, and departments thereof. The former governments shall, to the extent possible, provide working areas and facilities for the officers of the unified government.

#### SECTION 9-109. Existing ordinances and resolutions continued in effect.

(a) Subject to subsection (d) of this section, existing ordinances and resolutions of the Commission of Baldwin County and existing rules and regulations of county departments or agencies, not inconsistent with the provisions of this charter, shall continue in effect as ordinances, resolutions, rules, or regulations of Milledgeville-Baldwin County, Georgia, or the appropriate department or agency thereof until they have been repealed, modified, or amended.

(b) Subject to subsection (d) of this section, existing ordinances and resolutions of the City of Milledgeville, not inconsistent with the provisions of this charter, shall continue in effect as ordinances and resolutions of Milledgeville-Baldwin County, Georgia, and shall apply only to the area included within the urban services area until they have been repealed, modified, or amended.

(c) Subject to subsection (d) of this section, in the event of a conflict between any of the ordinances or resolutions continued by this section, the provisions thereof shall apply only to the territory of the unified government that such ordinance or resolution applied prior to the effective date of this charter and until such ordinance or resolution is repealed, changed, or amended to eliminate the conflict.

(d) Twenty-four (24) months after the effective date of this charter, all ordinances and resolutions shall apply uniformly throughout the area of the unified government. Prior to this date, the Board shall review all ordinances and resolutions and take whatever action is needed to remove any conflicts between ordinances and resolutions continued by this section in order to produce a uniform body of ordinances and resolutions, free of any conflicts or contradictions between such provisions.

#### SECTION 9-110. - Contracts and obligations.

(a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and other obligations or instruments entered into by Baldwin County 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 unified government; provided, however, any obligation created by Baldwin County to become effective after the date of approval of this charter and prior to the effective date of this charter shall be subject to ratification and approval by the Board of Commissioners of Milledgeville-Baldwin County, Georgia, within six months following the effective date of this charter.

(b) Except as otherwise provided by this charter, contracts, orders, leases, bonds, and other obligations or instruments entered into by the City of Milledgeville 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 unified government; provided, however, any obligation created by the City of Milledgeville to become effective after the date of approval of this charter and prior to the effective date of this charter shall be subject to

ratification and approval by the Board of Commissioners of Milledgeville-Baldwin County, Georgia, within six months following the effective date of this charter.

(c) No pending action or proceeding of any nature (whether civil, criminal, judicial, administrative, or other) by or against the City of Milledgeville or Baldwin County or an agency or department thereof shall be abated or otherwise affected by the adoption of this charter, and Milledgeville-Baldwin County, Georgia, shall stand substituted as a party in lieu thereof.

#### SECTION 9-111. Dissolution of existing governments.

On the effective date of this charter, the Commission of Baldwin County and the Mayor and Council of the City of Milledgeville and all the officers thereof and the offices thereof not continued under this charter are abolished, and all emoluments appertaining thereto shall cease. Thereupon, the governments of Baldwin County and the City of Milledgeville shall terminate as separate political entities and all powers, functions, duties, and obligations thereof shall be transferred to and vested in the unified government created by this charter.

#### SECTION 9-112. Transfer of records and equipment.

When an agency of the City of Milledgeville or of Baldwin County is abolished or unified by this charter, all books, papers, maps, charts, plans, records, other equipment, and personal property in possession of the same shall be delivered to the agency to which its rights, powers, duties, and obligations are transferred.

#### SECTION 9-113. Officers serve until successors qualify.

Notwithstanding any other provision of this charter, any officer performing duties under the government of the City of Milledgeville or Baldwin County may continue to perform the duties thereof until a successor, whether under the same title or office of another, shall be elected or appointed and qualified to perform the duties, it being the intention hereof that no duty or service shall lapse or be abandoned because of lack of an officer to perform same.

#### SECTION 9-114. Changes required by the U.S. Department of Justice After Adjournment of the General Assembly.

(a) In order to ensure that a referendum on the question of the creation of Milledgeville-Baldwin County Commission will be held on the earliest possible date, the General Assembly, as provided in Article IX, SECTION III, Paragraph II(a) of the Constitution of the State of Georgia, hereby authorizes the original 5 member Baldwin County Commission and the Mayor and Council of the City of Milledgeville, in consultation with the members of the Baldwin County legislative delegation, the power to amend the

charter to satisfy any required changes raised by the United States Department of Justice after the adjournment of the \_\_\_\_\_ session of the General Assembly.

(b) If any member of the Milledgeville-Baldwin County Commission is unable to participate in such an effort for any reason, including but not limited to death, illness, unwillingness, or non-residency in Baldwin County, the remaining members shall select a citizen of Baldwin County to assume the vacant position as defined and limited in Section 2-103.

#### SECTION 9-115. Referendum on the Charter.

(a) It shall be the duty of the Baldwin County Board of Elections to call an election for approval or rejection of the proposed charter. The board shall cause the date and purpose of the election to be published once a week for two calendar weeks immediately preceding the date thereof in the official legal organ of Baldwin County. The ballot shall have written or printed thereon the following:

"( ) YES Shall the charter unifying the governments of the City of Milledgeville and  
( ) NO Baldwin County and creating a single county-wide government to supersede  
and replace those governments be approved?"

(b) All persons desiring to vote for approval of the charter shall vote "YES," and those persons desiring to vote for rejection of the charter shall vote "NO." If more than one-half of the votes cast by the qualified voters of Baldwin County residing within the corporate limits of the City of Milledgeville are for approval of the charter and if more than one-half of the total votes cast by all the qualified voters of Baldwin County are for approval of the charter, then the charter shall become effective. Otherwise, it shall be void and of no force and effect. The expense of such election shall be borne equally by the City of Milledgeville and Baldwin County.

(c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," except to the extent specifically provided otherwise by this Act.

(d) A qualified voter, as used herein, shall mean a voter of Baldwin County qualified to vote for members of the General Assembly of Georgia. The board shall certify the returns to the Secretary of State. The board shall also furnish a certified copy of the charter to the Secretary of State. The Secretary of State shall issue a proclamation showing and declaring the result of the election on the approval or rejection of the charter. One copy of the proclamation shall be attached to the copy of the charter certified to the Secretary of State. One copy of the proclamation shall be delivered to the clerk of the governing authority of the City of Milledgeville who shall attach the same to the copy of the charter previously certified to him or her. One copy of the proclamation shall be delivered to the clerk of the governing authority of Baldwin County who shall attach the same to the copy of the charter previously certified to him or her.

(e) Whenever a charter for the unification of the governments of the City of Milledgeville and Baldwin County has been accepted, the above-certified copies thereof, with the proclamation of the Secretary of State of Georgia attached thereto, shall be deemed duplicate original copies of the charter of the unified government for all purposes. The certified copy of the charter and proclamation deposited with the clerk of the governing authority of the City of Milledgeville and the certified copy of the charter and proclamation deposited with the clerk of the governing authority of Baldwin County shall subsequently be delivered by them to the successor government. The successor government may issue certified copies of the charter and any copy so certified shall be deemed a duplicate original copy of the charter of the unified government for all purposes. The Secretary of State is authorized to issue certified copies of the charter on file, and copies so certified shall be deemed duplicate original copies of the charter of the unified government for all purposes.

(f) Upon the approval of the charter, a Transition team shall be established and initially comprised of two(2) current county commission members, two(2) municipal elected members, one(1) joint city-county selected member, and 4 community members of which the county government shall appoint two(2) and the municipal government shall appoint two(2).

(g) Funding for Transition activities shall come from the additional Franchise Fees that will become available from the unincorporated areas of Baldwin County upon adoption of the unified charter.

(h) The Transition Team may make recommendations to the Charter through the state legislative process prior to the actual implementation of the Charter.

## **Transition Operational Timeline**

2014 - The Charter submitted to the State Legislature requesting that they pass local legislation allowing a vote on the Milledgeville-Baldwin County Unified Government Charter. Vote on Unification to take place as part of November 2014 general election.

2015 - Merge city/county building departments, Fire Departments and request the State Legislature to pass local legislation authorizing the formation of a Milledgeville- Baldwin County Water and Sewer Authority.

2016 - Merge city and county tax collection departments, garbage collection functions, E-911. Transition the Milledgeville Police Dept. to the Office of the Sheriff of Baldwin County. Elect Commissioners for Milledgeville-Baldwin County Unified Government

2017- On January 1, 2017 the Unified Government begins.