

A BILL TO BE ENTITLED
AN ACT

1 To provide for the unified government of Milledgeville-Baldwin County; to provide for
2 boundaries and districts; to provide for powers and duties; to provide for organization,
3 qualifications, election, terms, and filling of vacancies; to provide for associated offices,
4 departments, and agencies; to provide for budgets and financial matters; to provide for a
5 transition period; to provide for the repeal of certain Acts; to provide for a referendum; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 ARTICLE I

9 Power of Unified Government

10 UNIFICATION, CREATION, BOUNDARIES, STATUS,
11 AND POWERS OF UNIFIED GOVERNMENT

12 SECTION 1-101.

13 Unification of county and city; creation of unified government.

14 (a) The new government shall be known as the Milledgeville-Baldwin County Unified
15 Government. This unification shall result in the creation and establishment of a single
16 government with powers and jurisdiction throughout the territorial limits of Baldwin County,
17 which single government shall supersede and replace the governments of the City of
18 Milledgeville and Baldwin County. Such county-wide government shall be a new political
19 entity, a body politic and corporate, and a political subdivision of the state, to be known as
20 "Milledgeville-Baldwin County, Georgia," having all the governmental and corporate
21 powers, duties, and functions heretofore held by and vested in the City of Milledgeville and
22 Baldwin County, and also the powers, duties, and functions provided in this charter. The
23 unified government shall be a public corporation; shall have perpetual existence; shall adopt
24 a common seal; shall, without the necessity or formality of a deed, bill of sale, or other

25 instrument of transfer, own, possess, and hold all the properties of whatsoever kind or nature,
 26 assets, contracts, franchises, things, rights, privileges, immunities, and real and personal
 27 property theretofore owned, possessed, enjoyed, or held by the City of Milledgeville or
 28 Baldwin County; and by the name of Milledgeville-Baldwin County, Georgia, shall be
 29 capable of suing and being sued when authorized by this charter and by the Constitution and
 30 laws of the State of Georgia. From and after the effective date of this charter, the political
 31 subdivision known as Baldwin County, Georgia, and the municipal corporation known as the
 32 City of Milledgeville, Georgia, shall be unified into the said new political entity created in
 33 this charter.

34 (b) Milledgeville-Baldwin County, Georgia, shall encourage the meaningful involvement
 35 in its operations of all citizens of Milledgeville-Baldwin County. This government shall
 36 comply with the United States Civil Rights Act of 1964 and 1972 as well as federal and state
 37 employment law where applicable. State of Georgia home rule statutes shall also apply
 38 where applicable.

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

42 (d) When the term "Milledgeville-Baldwin County Commission" or "commission" is used
 43 in this charter, unless a contrary meaning is clearly apparent from the context, such term shall
 44 include the mayor, vice mayor, and commissioners.

45 **SECTION 1-102.**

46 Boundaries.

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

52 **SECTION 1-103.**

53 Status as municipal corporation and county.

54 Milledgeville-Baldwin County, Georgia, shall be deemed to be both a municipal corporation
 55 and a county throughout the total territory of said government. It is the express intention of

56 this section to declare as a city and as a part of the unified government all of the area of
57 Baldwin County.

58 **SECTION 1-104.**

59 Powers.

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

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

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

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

86 (e) No enumeration of any right, power, privilege, or authority provided in other sections of
87 this charter shall be construed as limiting or abolishing any right, power, and privilege or
88 authority set forth in this section.

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

92 **SECTION 1-105.**

93 Taxing districts.

94 (a) The unified government shall divide the county into two or more taxing districts which
 95 shall be known as "services districts"; provided, however, that at least one of such districts
 96 shall be known as the general services district. The general services district shall embrace
 97 the total geographic area of Milledgeville-Baldwin County. In addition, the board of
 98 commissioners shall initially establish at least one urban services district which shall embrace
 99 such territory for which provision is made by the commission for additional or higher levels
 100 of services than are provided uniformly throughout the territory of the unified government.

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

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

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

113 (e) The unified government shall be empowered to exercise and provide within the general
 114 services district and within any urban and special services district established by this charter
 115 or by ordinance of the commission those powers, functions, and services which have
 116 previously been exercised and provided by Baldwin County or the City of Milledgeville, or
 117 both; all powers, functions, and services authorized by this charter and any amendments
 118 thereto; and all powers, functions, and services which counties or municipal corporations,
 119 or both, are now or are hereafter authorized to exercise under the Constitution and laws of
 120 the State of Georgia.

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

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

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

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

149 (j) The unified government is empowered to create new services and eliminate existing
150 services by the same procedures and methods stated in this section.

151 (k) Citizens of any area in the county may request additional services by petitioning the
152 unified government according to the rules, procedures, and guidelines established by the
153 unified government. The unified government shall hold public hearings as outlined in the
154 services district modification procedure stated in this section and shall consider all comments
155 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)(1) The unified government provides for the creation of the Milledgeville-Baldwin County Commission as its governing body.

(2)(A) The commission shall be composed of five commissioners elected from districts and a mayor and vice mayor who shall be elected at large. For the purpose of electing members of the commission, Milledgeville-Baldwin County shall be divided into five commissioner districts. One member of the commission shall be elected from each such district. The five commissioner districts shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as "Plan: BaldMill-p1 Plan Type: Local Administrator: Gina User: H145".

(B)(i) For the purposes of such plan:

- (I) The term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and
- (II) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical

189 boundaries of that city as shown on the census maps for the United States decennial
190 census of 2010 for the State of Georgia.

191 (ii) Any part of Milledgeville-Baldwin County which is not included in any district
192 described in subparagraph (a)(2)(A) of this section shall be included within that
193 district contiguous to such part which contains the least population according to the
194 United States decennial census of 2010 for the State of Georgia.

195 (iii) Any part of Milledgeville-Baldwin County which is described in
196 subparagraph (a)(2)(A) of this section as being included in a particular district shall
197 nevertheless not be included within such district if such part is not contiguous to such
198 district. Such noncontiguous part shall instead be included within that district
199 contiguous to such part which contains the least population according to the United
200 States decennial census of 2010 for the State of Georgia.

201 (3) After the initial election of the mayor, vice mayor, and commission members as
202 provided in Section 6-301 of this charter, the mayor, vice mayor, and commission
203 members shall be elected to four-year terms of office. The Milledgeville-Baldwin County
204 Commission (also referred to as "commission", "board of commissioners", or "board")
205 shall meet for organization and swearing in purposes on the first Tuesday after January
206 1 following its election or as soon thereafter practicable. At this meeting, the newly
207 elected commissioners shall each take the following oath of office, to be administered by
208 the judge of the probate court:

209 "I do solemnly swear (or affirm) that I will well and truly perform the duties of
210 commissioner of the unified government of Milledgeville-Baldwin County, Georgia,
211 and that I will support and defend the charter thereof, as well as the Constitution and
212 laws of the State of Georgia and of the United States of America, so help me God."

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

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

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

224 (e) Special meetings of the commission may be called by the mayor or by a quorum of
 225 commissioners upon no less than 24 hour notice. Written notice of such meeting shall be
 226 served personally on each member or left at the usual place of business or residence or such
 227 member. Such notice of a special meeting may be waived in writing either before or after
 228 such meeting. Subject to subsection (d) of Code Section 50-14-1 of the O.C.G.A., special
 229 meetings may be held at any time without notice to all commissioners, upon attendance at
 230 such meeting by all members of the commission, or by waiver of notice of those not in
 231 attendance.

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

235 (g) In the absence of the mayor for any reason, the vice mayor shall preside over meetings
 236 and discharge the duties of mayor until either the return of the mayor or the election of a new
 237 mayor. While serving as the mayor, the vice mayor shall have the same powers as the mayor.

238 **SECTION 2-102.**

239 Powers of the commission.

240 (a) All legislative powers of the unified government of Milledgeville-Baldwin County,
 241 Georgia, including any powers which may hereafter be conferred by law upon said
 242 government, shall be vested exclusively in the mayor and the commission in accordance with
 243 the provisions of this charter.

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

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

257 (d) The general laws of the State of Georgia of a criminal nature shall be applicable to and
 258 within the limits of the unified government. General laws of local application through
 259 classification by population not in conflict with this charter which, on the effective date of
 260 this charter, apply to the City of Milledgeville or Baldwin County which are applicable to the
 261 unified government and which apply to the unified government as either a city or a county
 262 at the time of their enactment or thereafter shall be effective, but those which did not apply
 263 to the City of Milledgeville or Baldwin County or the unified government at the time of their
 264 enactment shall not become applicable to the unified government except through the
 265 adoption of a resolution to that effect by the commission.

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

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

273 (1) "Board of commissioners" shall be construed to include the commission of
 274 Milledgeville-Baldwin County, Georgia;

275 (2) "City," "town," "municipal corporation," or "municipality" shall be construed to
 276 include Milledgeville-Baldwin County, Georgia;

277 (3) "Council," "mayor," "mayor and council," and "county commissioners" shall be
 278 construed to include the commission of Milledgeville-Baldwin County, Georgia; and

279 (4) "County" means Milledgeville-Baldwin County, Georgia.

280 Any other terms and provisions as used in such Acts to refer specifically to Baldwin County
 281 or the City of Milledgeville or both collectively shall include employees, departments, and
 282 agencies of such entities.

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

285 (1) The Constitution of the State of Georgia;

286 (2) The general laws of uniform application now in force or hereafter enacted by the
 287 General Assembly, as distinguished from general laws of local application through
 288 classification by population, applicable to municipal corporations or counties or both;

289 (3) The general laws of local application through classification by population as and to
 290 the extent provided in subsection (b) of this section;

291 (4) Special laws applicable to Baldwin County, not in conflict with this charter;

292 (5) Special laws applicable to the City of Milledgeville, not in conflict with this charter;

- 293 (6) This charter and all ordinances and resolutions passed pursuant thereto; and
 294 (7) Existing ordinances and resolutions of the former City of Milledgeville and existing
 295 ordinances and resolutions of the former County of Baldwin not in conflict with this
 296 charter.
- 297 (h) The tort and nuisance liability of the unified government shall follow the law and rules
 298 of tort liability applicable to counties in Georgia.
- 299 (i) For purposes of applicable laws, the unified government shall constitute a municipality
 300 and a county, or both. Except as otherwise provided by this charter, if a law applicable to
 301 municipalities and the same or another law applicable to counties are in conflict, the law
 302 applicable to counties shall prevail.
- 303 (j) The unified government shall have the power and authority to participate in, cooperate
 304 in, and take all necessary action with respect to any and all projects, programs, and
 305 undertakings of any nature authorized by any statute, rule, or regulation of the United States,
 306 the State of Georgia, or any federal or state agency or instrumentality, including, but not
 307 limited to, community development, highways, aviation, aviation terminals, airports, airport
 308 facilities, municipal area or regional development, sewer and sewage disposal, public
 309 housing, housing for the aged, and transportation or mass transit or any phase thereof; to
 310 borrow money and issue promissory notes, general obligation bonds, or revenue bonds, or
 311 any combination thereof, for any such purposes in accordance with the provisions of this
 312 charter; and to execute mortgages or deeds of trust in favor of any federal agency, secured
 313 by property of which the restructured government is the legal or beneficial or equitable
 314 owner, or in favor of any private agency where the loan is guaranteed by a federal agency.
- 315 (k) In addition to its legislative powers, the commission shall specifically have the power
 316 to:
- 317 (1) Adopt and, as needed, amend the annual budget by a majority vote;
 - 318 (2) Approve or reject recommendations concerning the appointments of the manager and
 319 attorney by a majority vote;
 - 320 (3) Remove from office the manager, attorney, or auditor by majority vote; and
 - 321 (4) Suspend the rules by a majority vote.
- 322 (l) In the exercise of its powers, the commission shall adopt and provide for the execution
 323 of such ordinances, resolutions, rules, and regulations, not inconsistent with the charter, as
 324 may be necessary or proper for the purpose of carrying into effect the powers conferred by
 325 this charter and for the promotion and protection of the safety, health, peace, security, and
 326 general welfare of the inhabitants of the unified government and may enforce such
 327 ordinances, resolutions, rules, and regulations by imposing penalties for violations thereof,

328 as prescribed by ordinance, by a fine that shall not to exceed \$1,000.00, or by imprisonment
 329 for a period not to exceed six months.

330 (m) Except as otherwise provided by the Constitution, general or local law, or this charter,
 331 the commission may by ordinance create, change, alter, combine, abolish, consolidate, and
 332 redefine the manner of appointment, membership, powers, and duties of bureaus, boards,
 333 commissions, departments, divisions, authorities, offices, and agencies of the unified
 334 government, including positions of public office, and may transfer and delete functions and
 335 assign additional functions to any bureaus, offices, agencies, departments, divisions, boards,
 336 authorities, commissions, and positions of public employment existing under this charter.
 337 The commission may by ordinance transfer all the assets, liabilities, and obligations thereof
 338 to a department, a division, or other unit of a department of the unified government which
 339 shall have the power and duty to perform and exercise all the functions and powers
 340 previously performed and exercised by such previous board, commission, authority, division,
 341 agency, bureau, office, department, or position of public employment. This subsection shall
 342 not apply to any authorities or boards which were created by either a local constitutional
 343 amendment or by a local Act of the General Assembly.

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

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

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

356 **SECTION 2-103.**

357 **Filling of vacancies.**

358 (a) In the event that the office of a member of the commission becomes vacant by reason of
 359 death, resignation, or any other cause, and the term will expire in less than 180 days, the
 360 vacant position shall be filled by appointment by the remaining members of the commission.

361 Any individual so appointed shall have the same qualifications required for election to the
 362 office.

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

366 **SECTION 2-201.**

367 Legislation by ordinance.

368 Every official act of the commission which is to have the force and effect of law shall be by
 369 ordinance and shall begin with the words: "The Commission of Milledgeville-Baldwin
 370 County, Georgia, hereby ordains". All other acts of the commission shall be by resolution
 371 or shall take such other form as prescribed by its rules.

372 **SECTION 2-202.**

373 Introduction, consideration, and passage of ordinances and resolutions.

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

376 (b) It shall be the duty of the attorney to review all ordinances prior to introduction to the
 377 commission in order to discern the draftsmanship and impact of the proposed ordinance.
 378 After such review, copies of such ordinance shall be prepared by the clerk of the commission
 379 and distributed to each member of the commission.

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

387 (d) The adoption of any ordinance shall require a majority vote.

388 (e) The passage of all ordinances shall be contingent upon the recording of the "ayes" and
 389 "nays" of each person voting and the names of each person voting for and against each
 390 proposed ordinance or amendment. The names of those abstaining and those absent shall be
 391 entered upon the minutes of the proceedings of the commission.

392 **SECTION 2-203.**

393 Submission of ordinances to mayor; effective date.

394 Every ordinance or resolution adopted by the commission shall be certified by the clerk of
395 the commission and presented to the Milledgeville-Baldwin County mayor within two
396 business days following its adoption.

397 **SECTION 2-204.**

398 Authentication; recording.

399 The clerk of the commission shall authenticate by signature and record in full in a properly
400 indexed book kept for that purpose all ordinances and resolutions adopted by the
401 commission.

402 **SECTION 2-205.**

403 Codes of technical regulations.

404 (a) The commission may adopt any standard code of technical regulations by reference
405 thereto in an adopting ordinance. The procedure and requirements governing such adopting
406 ordinance shall be prescribed for ordinances generally, except that the requirements of
407 subsection (c) of Section 2-202 of this charter for distribution of copies of the ordinance to
408 each commission member shall be construed to include copies of the code of technical
409 regulations. Copies of the code of technical regulations shall be maintained in the clerk's
410 office, as well as the adopting ordinance, and shall be authenticated by the clerk as provided
411 in Section 2-204 of this charter.

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

414 **SECTION 2-206.**

415 Codification and printing of ordinances.

416 (a) The commission shall, within two years of the effective date of this charter, provide for
417 the preparation of general codification of all ordinances of a general or permanent nature.
418 Such code shall be adopted by the commission by ordinance and shall be published promptly
419 in loose-leaf form, together with all amendments thereto, this charter, and amendments
420 hereto, and such codes of technical regulations and other rules and regulations as the

421 commission may specify. This compilation shall be known and cited officially as the "Code
 422 of Milledgeville-Baldwin County, Georgia." As determined by the commission, copies of
 423 the code shall be furnished to officers, departments, and agencies of the unified government;
 424 placed in libraries and public offices for public reference; and made available for purchase
 425 by the public at a reasonable price.

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

430 **SECTION 2-207.**

431 Prima facie evidence.

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

435 **SECTION 2-301.**

436 Conflict of interest.

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

- 439 (1) Engage in any business or transaction in which the person has a financial interest
 440 which is incompatible with the proper discharge of official duties;
- 441 (2) Disclose confidential information concerning the property, government, or affairs of
 442 the governmental body by which such person is engaged or is a member of without proper
 443 legal authorization or use that information to advance the financial or other private
 444 interest of such person or others;
- 445 (3) Accept any gift that has a value of \$100.00 or more from any person, firm, or
 446 corporation which to his or her knowledge is interested, directly or indirectly, in business
 447 dealings with the governmental body of which he or she is a member or by which such
 448 person is engaged; provided, however, that an elected official who is a candidate for
 449 public office may accept campaign contributions and services in connection with a
 450 campaign;
- 451 (4) Represent private interests other than his or her own in any action or proceeding
 452 against Milledgeville-Baldwin County, Georgia, or any portion of its government; or

453 (5) Vote or otherwise actively participate in the negotiation or the making of any contract
454 between Milledgeville-Baldwin County, Georgia, and any business or entity in which he
455 or she has a financial interest.

456 **SECTION 2-302.**

457 Disclosure.

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

469 **SECTION 2-303.**

470 Testimony of public officials relating to public affairs.

471 Any officer or employee of the unified government or of any board, commission, authority,
472 or agency thereof who is duly and properly called a witness before any unified government,
473 state, or federal judicial or administrative tribunal, who before such tribunal fails to answer
474 any proper question concerning his or her performance, shall be guilty of a violation of this
475 charter; provided, however, that Garrity rights and fifth amendment constitutional protections
476 are honored.

477 **SECTION 2-304.**

478 Contracts voidable and rescindable.

479 Any contract between the unified government or any board, commission, authority, agency,
480 or entity thereof made in violation of the provisions of this charter shall be voidable or
481 rescindable at the option of the commission at any time if any elected official, appointed
482 officer, or employee of such unified government or board, commission, authority, or agency

483 thereof has any interest in such contract and does not disclose such interest in accordance
484 with Section 2-302 of this charter.

485 **SECTION 2-305.**

486 Hearings and determinations; penalties for violation.

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

492 (b) Any officer or employee of the unified government or of any board, commission,
493 authority, or agency thereof who is found to have knowingly concealed his or her personal
494 financial interest, or who is found to have knowingly violated any of the requirements of this
495 charter, shall be deemed guilty of malfeasance in office or position. If such decision is
496 upheld after all reviews and appeals provided by the unified government have been
497 exhausted, the officer or employee shall be subject to such punishment as may be deemed
498 appropriate by the commission and which may include forfeiture of office or position.

499 (c) Any officer or employee of the unified government or of any board, commission,
500 authority, or agency thereof who forfeits his or her office or position as described in
501 subsection (b) of this section shall be ineligible for appointment or election to or employment
502 in a position in the unified government or of any board, commission, authority, or agency
503 thereof for a period of three years thereafter.

504 **SECTION 2-306.**

505 Recall of elected officials.

506 Upon adoption of this charter, a process for recall of elected officials shall be established in
507 accordance with state law.

508 **SECTION 2-307.**

509 Code of ethics.

510 Within three months after taking office, the initial Milledgeville-Baldwin County
511 Commission shall adopt a code of ethics for elected officials.

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ARTICLE III
UNIFIED GOVERNMENT HEAD
SECTION 3-101.

Head of government; election; term of office; qualification; disqualification.

(a) There is hereby created the office of Milledgeville-Baldwin County Commission chairperson who shall be known as the mayor. This position 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 qualified and elected.

(b) 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 person appointed to fill a vacancy on the commission shall serve only for the balance of the unexpired term as provided in Section 2-103 of this charter. Initially, three members shall serve four-year terms and three members shall serve two-year terms to provide for staggered terms. The mayor shall serve a four-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.

SECTION 3-102.

Salary and expenses.

(a) The salary of each commissioner, other than the mayor and vice mayor, shall be \$15,000.00 per year, payable in equal monthly installments. The vice mayor's salary shall be \$20,000.00 per year, payable in equal monthly installments.

(b) In addition to their salaries, 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 commission 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;

(2) Salary increases shall not take effect until after the next commission is elected and seated; and

(3) Increases in expense reimbursements shall take effect upon the affirmative action of the commission.

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SECTION 3-103.

Qualifications of office.

- (a) To be eligible for election to the Milledgeville-Baldwin County Commission or the office of mayor or vice mayor, a person, on the date of his or her election, shall:
 - (1) Have attained the age of 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 shall continue such residence therein during the term of office, and district commissioners shall have resided in their election district for at least one year;
 - (3) Be a registered voter of Milledgeville-Baldwin County, Georgia; and
 - (4) Meet any other requirements as established by law.
- (b) No person elected to the Milledgeville-Baldwin County Commission or as mayor or vice mayor shall, during that person's term of office, hold any other federal, state, or local elective government office.

SECTION 3-104.

Compensation for mayor.

- (a) The mayor shall receive as compensation for the services of the office an annual salary of \$35,000.00, payable in equal monthly installments.
- (b) In addition to such salary, the 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 mayor may be changed by ordinance, 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;
 - (2) Salary increases shall not take effect until after the next commission is elected and seated; and
 - (3) Increases in expense reimbursement shall take effect upon the affirmative action of the commission.

SECTION 3-105.

Powers and duties of mayor.

577 The mayor shall:

- 578 (1) Serve as the official representative of Milledgeville-Baldwin County, Georgia,
 579 including serving as the unified government's representative to federal, state, and local
 580 governmental bodies and officials;
- 581 (2) Appoint a county manager, who shall be subject to confirmation by a majority of the
 582 commission;
- 583 (3) Initiate the process, with the involvement of commissioners and appropriate staff, to
 584 search and screen candidates for the positions of attorney and commission clerk and
 585 appoint candidates for such positions subject to confirmation by a majority vote of the
 586 entire commission;
- 587 (4) Remove the county manager, attorney, commission clerk, and auditor for cause
 588 subject to the concurrence by a majority of the entire commission;
- 589 (5) Set the agenda, after receiving input from members of the commission, the county
 590 manager, and the public, for meetings of the commission;
- 591 (6) Make committee appointments; provided, however, that all standing and appointed
 592 committees shall be recommending bodies with the ability to recommend actions to the
 593 commission with the full commission retaining the authority to act;
- 594 (7) Present the annual budget and the capital improvements budget, which shall be
 595 prepared by the county manager with the assistance of all department and agency heads
 596 and all others who supervise the implementation of a budget that uses funds of
 597 Milledgeville-Baldwin County, Georgia, for approval by the commission;
- 598 (8) Be authorized to vote on any issue before the commission and shall vote in the event
 599 of a tie vote by the commission;
- 600 (9) Call special meetings of the commission as provided by this charter and by rules of
 601 the commission;
- 602 (10) Execute all deeds, contracts, and obligations of the unified government, provided
 603 such execution shall be attested to by the county manager;
- 604 (11) Recommend to the commission the adoption of such measures as deemed necessary
 605 or expedient;
- 606 (12) Perform any other duties and exercise any other powers required by state or federal
 607 law or authorized by a duly adopted ordinance that is not in conflict with this charter; and
 608 (13) Preside over meetings of the commission.

609 **SECTION 3-106.**

610 Vacancy in office of mayor.

611 (a) In the event that the office of mayor becomes vacant by reason of death, resignation, or
 612 any other means, the vice mayor shall serve as the mayor with all the powers of the mayor
 613 for the unexpired term of office of the mayor if there are 180 days or less remaining in such
 614 term of office.

615 (b) If there are more than 180 days remaining in the mayor's term of office, a special election
 616 shall be held as soon as practicable as provided by general law to elect a new mayor for the
 617 remainder of the vacant term. The vice mayor shall serve as the mayor until such special
 618 election is held and a successor for the mayor is elected and qualified.

619 ARTICLE IV
 620 ADMINISTRATION SECTION

621 SECTION 4-101.

622 Milledgeville-Baldwin county manager; appointment;
 623 qualifications; compensation.

624 (a) There shall be a professional manager who shall be known as the county manager of
 625 Milledgeville-Baldwin County, Georgia. The county manager shall be the full-time
 626 administrative officer of the unified government. The mayor shall recommend a candidate
 627 to the commission for the office of county manager. No person holding an elective office
 628 on the Milledgeville-Baldwin County Commission shall be eligible for this appointment until
 629 two years after leaving elective office. Such recommendation shall become effective when
 630 confirmed by a majority vote of the total membership of the commission. The county
 631 manager shall be prohibited from engaging in any political activity and shall not be eligible
 632 to qualify as a candidate for an elective office in the Milledgeville-Baldwin County
 633 Commission for one year after leaving office. The county manager at any time may be
 634 removed from office by a majority vote of the entire commission.

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

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

SECTION 4-102.

643
644 County manager; powers and duties.

645 (a) The county manager shall be responsible for:

646 (1) The management and coordination of the operations and activities of the various
647 departments and agencies of the unified government;

648 (2) The appointment and removal of all department heads with the exception of the city
649 attorney, auditor, and clerk of commissioners;

650 (3) The preparation of the proposed annual budget with the assistance of all department
651 heads for approval by the commission and the mayor;

652 (4) Keeping the commission at all times fully advised as to the financial condition and
653 needs of the unified government;

654 (5) Conducting studies and investigations and making reports thereon to the commission
655 concerning the operation of the departments, offices, and agencies of the unified
656 government;

657 (6) Requiring any department, board, commission, or agency under the county manager's
658 jurisdiction to submit written reports and to provide other information as deemed
659 necessary;

660 (7) Prescribing, requiring, publishing, and implementing standards of administrative,
661 management, and operating practices and procedures to be followed and adhered to by
662 all offices, departments, boards, commissions, authorities, and other agencies of the
663 unified government which are subject to the county manager's supervision and
664 jurisdiction;

665 (8) Acting as the purchasing agent of the Milledgeville-Baldwin County Commission as
666 provided for in Section 8-105 of this charter;

667 (9) Maintaining all required records of the operations and activities of the
668 Milledgeville-Baldwin County Commission; and

669 (10) Developing and implementing an ongoing strategic plan for Milledgeville-Baldwin
670 County, Georgia, and providing annual progress updates to the commission.

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

675 (c) The county manager shall obtain the approval and authorization of the commission for
 676 all expenditures in excess of \$25,000.00 and all transfers of investments in excess of \$100,000.00.

677 **SECTION 4-103.**

678 County finance manager; appointment; qualifications; duties; compensation.

679 (a) There shall be a professional finance manager who shall be known as the county finance
 680 manager of Milledgeville-Baldwin County, Georgia. The mayor shall recommend a
 681 candidate to the commission for the office of county finance manager. No person holding
 682 an elective office on the Milledgeville-Baldwin County Commission shall be eligible for this
 683 appointment until two years after leaving elective office. Such recommendation shall
 684 become effective when confirmed by a majority vote of the total membership of the
 685 commission. The county finance manager shall be prohibited from engaging in any political
 686 activity and shall not be eligible to qualify as a candidate for an elective office in the
 687 Milledgeville-Baldwin County Commission for one year after leaving office. The county
 688 finance manager at any time may be removed from office by a majority vote of the total
 689 membership of the commission.

690 (b) Whenever the office of the county finance manager is vacant, the mayor may recommend
 691 a person to serve as acting county finance manager until a new county finance manager is
 692 appointed, subject to approval by a majority vote of the total membership of the commission
 693 and subject to reappointment thereafter. The acting county finance manager at any time may
 694 be removed by a majority vote of the total membership of the commission.

695 (c) The county finance manager need not be a resident of the county at the time of his or her
 696 appointment but shall establish residence therein within six months of such appointment and
 697 continue to reside therein throughout such appointment. The qualifications and
 698 compensation of the county finance manager shall be fixed by the commission.

699 **SECTION 4-104.**

700 Attorney; appointment; qualifications; duties; compensation.

701 (a) The mayor shall make nonbinding recommendations to the commission for the attorney
 702 of the unified government (referred to at times in this charter as the "attorney"). The
 703 recommendations shall become effective when confirmed by a majority vote of the total
 704 membership of the commission. The attorney shall serve at the pleasure of the mayor and
 705 may be removed from office by the mayor for cause with confirmation of the majority vote
 706 of the commission.

707 (b) The attorney shall be an active member of the State Bar of Georgia in good standing and
708 shall satisfy any other qualifications established by ordinance.

709 (c) The attorney shall be the legal counsel to the unified government and shall perform such
710 other duties as may be required by this charter or by ordinance.

711 (d) The compensation of the attorney shall be as prescribed by a duly adopted ordinance.

712 **SECTION 4-105.**

713 Sheriff.

714 The sheriff of Baldwin County in office on the effective date of this charter shall be the
715 sheriff of Milledgeville-Baldwin County, Georgia, and shall be the chief law enforcement
716 officer for the unified government. The sheriff shall serve for the same term as provided by
717 law, and the compensation shall be fixed as provided by law. Subsequent elections for
718 sheriff shall be on the same basis as provided by law for the election of sheriffs generally.
719 The sheriff shall have such other or different powers and duties as provided by the
720 Constitution and laws of Georgia. The sheriff shall be authorized to shift funds within the
721 categories budgeted for his or her office to meet the needs of the office. The sheriff shall
722 meet with the mayor, vice mayor, and finance committee chairperson of the commission
723 every six months to review the budget of the office of the sheriff to determine if additional
724 funds are needed for the efficient and effective operation of the office.

725 **SECTION 4-106.**

726 Judge of the probate court.

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

735 **SECTION 4-107.**

736 Clerk of superior court.

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

745 **SECTION 4-108.**

746 Tax commissioner.

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

754 **SECTION 4-109.**

755 Coroner.

756 The coroner of Baldwin County in office on the effective date of this charter shall be the
757 coroner of Milledgeville-Baldwin County, Georgia. The coroner shall serve for the same
758 term as provided by law, and compensation shall be fixed as provided by law. Subsequent
759 elections for coroner shall be on the same basis as provided by law for the election of
760 coroners generally. The coroner shall perform the same duties and exercise the same powers
761 as conferred on coroners generally by the Constitution and laws of Georgia.

SECTION 4-110.

Clerk.

The clerk of the commission shall be responsible for:

- (1) 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;
- (2) Certifying ordinances upon adoption for presentation to the mayor for approval or veto and certifying as to the authenticity of ordinances which have become law;
- (3) 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 of this charter on any such document;
- (4) Keeping and affixing the seal;
- (5) Providing administrative support to the commission, the mayor, and the county manager of Milledgeville-Baldwin County, Georgia; and
- (6) Carrying 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 commission may, by ordinance, reorganize, combine, consolidate, or discontinue any department or agency of the unified government subject to the jurisdiction of the commission and may, by ordinance, prescribe the functions and duties thereof and may establish, abolish, or alter any nonelective offices and positions of employment as necessary for the proper administration of the unified government.

791 **SECTION 4-203.**

792 Appointment of directors of departments.

793 All directors of departments under the supervision and direction of the
 794 Milledgeville-Baldwin county manager shall be appointed by the Milledgeville-Baldwin
 795 county manager. The directors of all such departments shall serve at the pleasure of the
 796 Milledgeville-Baldwin county manager.

797 **SECTION 4-204.**

798 Departments under state law.

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

802 (b) For employees hired by the City of Milledgeville or Baldwin County after the approval
 803 of this charter by the electors voting in the referendum pursuant to Section 9-112 of this
 804 charter, whether to continue to offer a program of health care benefits, the nature and
 805 structure of such a program, the benefits provided in such a program, and the premiums to
 806 be paid by employees for their participation or the participation of their families or
 807 dependents, if offered, shall be subject to change from time to time in the sound discretion
 808 of the mayor and commission.

809 **SECTION 4-301.**

810 Certain commissions, boards, and authorities continued.

811 (a) All existing commissions, boards, and authorities are continued without interruption on
 812 the effective date of this charter. As used in the Acts and amendments creating the existing
 813 commissions, boards, and authorities, the terms "Milledgeville City Council" and "Baldwin
 814 County Board of Commissioners" shall mean the Board of Commissioners of
 815 Milledgeville-Baldwin County, Georgia, and the terms "mayor of the City of Milledgeville"
 816 and "Chairperson of the Baldwin County Board of Commissioners" shall mean the mayor of
 817 Milledgeville-Baldwin County, Georgia.

818 (b) The Board of Commissioners of Milledgeville-Baldwin County, Georgia, shall have the
 819 authority to examine all existing boards, commissions, and authorities of the former City of
 820 Milledgeville and Baldwin County for the purpose of determining whether any such boards,
 821 commissions, and authorities should be reorganized or reconstituted for the purpose of

822 increasing their efficient operation; provided, however, that this authority shall not be
 823 construed to authorize the commission to affect any board, commission, and authority created
 824 by general law or by local constitutional amendment.

825 (c) The six-member Georgia Military College Commission of Trustees shall be elected from
 826 recognized districts within the urban services district (commonly referred to as the City of
 827 Milledgeville) and shall serve four-year terms beginning with the first term of the unified
 828 government of Milledgeville-Baldwin County, Georgia. The qualifications for this position
 829 shall be the same as those in place upon adoption of this charter.

830 **SECTION 4-401.**

831 Employees.

832 Employees who are terminated from their employment shall have the right to appeal such
 833 termination to the commission. Such appeal process shall be initiated by filing a written
 834 appeal with the mayor within seven days of termination. The mayor shall present the appeal
 835 to the commission for review, and the commission shall act upon such appeal within 30 days
 836 following the receipt of the written appeal by the mayor. Failure by the commission to act
 837 within 30 days shall result in the termination being upheld.

838 **ARTICLE V**

839 **JUDICIARY**

840 **SECTION 5-101.**

841 Superior court and district attorney; unaffected by charter; redesignation.

842 The Superior Court of Baldwin County, including the office of the district attorney, shall
 843 continue its operations without interruption resulting from the adoption of this charter, and
 844 nothing herein shall be construed as affecting the status of such court. The court shall be
 845 known as the Superior Court of Milledgeville-Baldwin County, Georgia.

846 **SECTION 5-102.**

847 State court and solicitor-general; unaffected by charter; redesignation.

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

852 **SECTION 5-103.**

853 Juvenile court; unaffected by charter; redesignation.

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

858 **SECTION 5-104.**

859 Probate court; unaffected by charter; redesignation.

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

864 **SECTION 5-105.**

865 Magistrate court; unaffected by charter; redesignation.

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

870 **SECTION 5-106.**

871 Municipal Court of the City of Milledgeville; abolishment of
 872 operations in the unified government:

873 Six months after the effective date of this charter, the Municipal Court of the City of
 874 Milledgeville shall stand abolished. Any cases pending before the municipal court on that
 875 date shall be transferred to the State Court of Milledgeville-Baldwin County, Georgia.
 876 Thereafter, all jurisdiction of the former Municipal Court of the City of Milledgeville shall
 877 be transferred to either the Magistrate Court or the State Court of Milledgeville-Baldwin
 878 County, Georgia.

879 **ARTICLE VI**

880

ELECTIONS

881

SECTION 6-101.

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Applicability of general laws.

883

Except as otherwise provided by this charter, general and special primaries and elections shall be conducted in accordance with provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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SECTION 6-102.

887

Regular election, time of holding; voting.

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(a) Except for the initial elections under this charter, regular elections for the unified government of Milledgeville-Baldwin County, Georgia, shall be held on the Tuesday after the first Monday in November in each even-numbered year.

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(b) Only the electors of each of the election districts defined in Section 6-201 of this charter shall be entitled to vote in the election for the commissioner to be elected from such district.

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SECTION 6-103.

894

Special elections.

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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."

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SECTION 6-201.

898

Number of districts; boundaries.

899

The territory of Milledgeville-Baldwin County, Georgia, shall consist of five single member election districts to be designated respectively as Commissioner Districts 1 through 5. The mayor and vice mayor of Milledgeville-Baldwin County shall be elected at large.

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SECTION 6-202.

903

Reapportionment of election districts.

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(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.

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- 907 (b) The reapportionment of election districts shall comply with the following specifications:
 908 (1) The county shall be divided into five districts to as closely as possible reflect the
 909 population of Milledgeville-Baldwin County; and
 910 (2) The Milledgeville-Baldwin County Unified Government shall rely upon the
 911 Legislative and Congressional Reapportionment Office of the General Assembly of the
 912 State of Georgia to draw those districts that reflect the goal of the unified government.
 913 (c) Any reapportionment of election districts shall apply to officials of the unified
 914 government elected at the next regular election following such reapportionment; provided,
 915 however, any reapportionment ordinance shall not apply.

916 **SECTION 6-301.**

917 Special election of first officials.

- 918 (a) The initial election for members of the Milledgeville-Baldwin County governing
 919 authority shall be held on the date of the 2016 presidential preference primary. The
 920 superintendent of elections for Baldwin County shall publish notice of the initial election of
 921 members of the unified government in the legal organ of Milledgeville-Baldwin County once
 922 a week for four weeks immediately preceding the election.
 923 (b) In all other respects, the election shall be held in accordance with the provisions of
 924 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."
 925 (c) The qualifications for office for such initial election shall be as prescribed by applicable
 926 provisions of this charter.
 927 (d) Any elected official of Milledgeville-Baldwin County or of any municipality who is
 928 otherwise qualified under this charter shall be entitled to qualify and run for an office of the
 929 unified government.

930 **SECTION 6-302.**

931 Initial terms of office.

932 The initial terms of the mayor, vice mayor, and commissioners of the unified government
 933 shall be from January 1, 2017, until December 31, 2020, and until their respective successors
 934 are elected and qualified. After the initial elections, all commissioners shall be elected for
 935 four-year terms and until their respective successors are elected and qualified.

936 **SECTION 6-303.**

937 Elections in general.

938 All elections for seats on the Milledgeville-Baldwin County, Georgia, commission shall be
939 nonpartisan.

940 ARTICLE VII
941 REVENUE AND FINANCE

942 SECTION 7-101.

943 Taxation and other revenues; levies and collection of
944 taxes, fees, charges, and assessments; appropriations.

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

949 (1) For the purposes authorized by this charter;

950 (2) For the discharge of the powers, duties, obligations, liabilities, and functions
951 specified in this charter;

952 (3) For any and all purposes and any and all subjects of taxation for which the City of
953 Milledgeville or Baldwin County may have been authorized and in accordance with those
954 authorizations to levy and collect taxes and to appropriate and expend funds under the
955 Constitution or any general or special law of Georgia applicable to the City of
956 Milledgeville or Baldwin County on the effective date of this charter; and

957 (4) For any purpose authorized by the Constitution or any general or special law of
958 Georgia applicable to municipal corporations and counties generally now in force or
959 hereafter enacted.

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

962 (1) Ad valorem taxes on all real and personal property situated within
963 Milledgeville-Baldwin County, Georgia, which is subject to taxation for state, county,
964 and municipal purposes, or for any other public purpose, to the full extent permitted by
965 the Constitution and laws of Georgia, whether local (of the City of Milledgeville or
966 Baldwin County) or general;

967 (2) Occupation and business license taxes that are not prohibited by the Constitution and
968 general laws of Georgia which may be levied upon any person, firm, partnership,
969 company, or corporation which has a location or office within Milledgeville-Baldwin
970 County, Georgia, at which a business, profession, or occupation is conducted;

971 (3) Subject to the restrictions imposed by general law, the commission may also impose
972 a regulatory fee, whether designated as a license fee or permit fee or other name, on those
973 businesses, professions, or occupations that the unified government of
974 Milledgeville-Baldwin County, Georgia regulates;

975 (4) An excise tax on rooms, lodgings, or accommodations as now or hereafter provided
976 by law for counties and municipalities;

977 (5) License fees and taxes on insurance companies as authorized by Code Sections
978 33-8-8 through 33-8-8.6 of the O.C.G.A.;

979 (6) A public utility franchise tax, fee, or both on each electric light and power company,
980 gas company, telephone and telegraph company, and other public utility making use of
981 the roads, streets, alleys, or other public ways of Milledgeville-Baldwin County, Georgia;

982 (7) Franchise fees on cable television systems as now or hereafter provided by law;
983 provided, however, that, upon the completion of transition activities funded by the
984 franchise fees collected from the unincorporated area of Milledgeville-Baldwin County,
985 these franchise fees may be used to reasonably reduce taxes in the urban services district;

986 (8) Fees, assessments, and charges for the cost of constructing, reconstructing, widening,
987 or improving any public way, street, sidewalk, curbing, gutters, storm sewers, drainage
988 structures, or other utility mains and appurtenances from the abutting property owners
989 under any terms and conditions as provided by ordinance;

990 (9) Fees, assessments, charges, and tolls for sanitary and health services or any other
991 services rendered within and without the limits of the unified government under such
992 terms and conditions as provided by ordinance;

993 (10) All other such taxes, charges, or assessments as the City of Milledgeville or Baldwin
994 County were authorized and empowered to make and collect upon the effective date of
995 this charter, which powers may be exercised throughout the area of the unified
996 government, or appropriate portions thereof, including any tax now or hereafter
997 authorized by state law, and the specific mention of any right, power, or authority in this
998 charter shall not be construed as limiting in any way the general powers of the
999 commission to govern its local affairs. When authorized by this charter or a statute or the
1000 Constitution of the State of Georgia, the commission shall have full power and authority
1001 to assess, levy, charge, and collect taxes, rentals, interest, fees, penalties, fines, and costs;
1002 to receive income on investments; to accept funds, services, or property from other
1003 political subdivisions and public agencies, either local, state, or national, and from private
1004 persons, firms, or corporations; and to contract with them for any public purpose;

1005 (11) An excise tax upon the sale of distilled spirits or alcoholic beverages for beverage
 1006 purposes by the drink as now or hereafter provided by law for counties and
 1007 municipalities;

1008 (12) An excise tax upon the sale, transfer, or dispensing of malt beverages and alcoholic
 1009 beverages within Milledgeville-Baldwin County, Georgia, by wholesale or retail dealers
 1010 as now or hereafter provided by law for counties and municipalities. In addition, the
 1011 Commission shall have the authority to impose, assess, levy, and collect an excise tax
 1012 upon the sale, transfer, or dispensing of wine by wholesale or retail dealers within
 1013 Milledgeville-Baldwin County, Georgia, as now or hereafter provided by law for counties
 1014 and municipalities;

1015 (13) One mill of taxes shall be collected from the urban services district for Georgia
 1016 Military College; and

1017 (14) Such other taxes and charges as provided by law.

1018 (c) Not later than the beginning of its eighth year of operation, the commission shall create
 1019 and fully fund and maintain an emergency fund in an amount equal to one mill of taxes for
 1020 the immediately preceding fiscal year. Funds in such account may only be used in the event
 1021 of a fiscal emergency, as determined to exist by an affirmative vote of five or more members
 1022 of the commission. In such event, the funds may be used to deal with such fiscal emergency,
 1023 but such fund shall be replenished as soon as practicable and reasonable.

1024 (d) The commission shall create and maintain an unassigned fund balance equal to one-sixth
 1025 of the preceding audited fiscal year's total general fund operating expenses. This minimum
 1026 balance shall be established not later than the beginning of the eighth year of operation of the
 1027 unified government. The adopted budget for each fiscal year shall not appropriate
 1028 unassigned general funds which would cause this minimum balance to fall below an amount
 1029 equal to one-sixth of the preceding audited fiscal year's total general fund operating expenses.
 1030 In the event of a fiscal emergency, as determined by an affirmative vote of five or more
 1031 members of the commission, the budget may be amended to temporarily utilize such
 1032 unassigned general fund balance.

1033 **SECTION 7-102.**

1034 Collection of delinquent taxes and fees.

1035 The collection of delinquent taxes and fees shall be as provided by state law for the collection
 1036 of delinquent property taxes by counties.

1037 **SECTION 7-103.**

1038 Homestead exemptions.

1039 The homestead exemptions provided under the Constitution and laws of Georgia presently
 1040 in force or as hereafter amended shall be applicable to all such property subject to ad valorem
 1041 taxes within Milledgeville-Baldwin County, Georgia.

1042 **SECTION 7-104.**

1043 Tax and services districts; taxation therein.

1044 (a) The general services district as defined and authorized in paragraph (1) of subsection (a)
 1045 of Section 7-301 of this charter shall constitute a general services tax district wherein the
 1046 commission shall levy and collect taxes and shall appropriate money to perform and
 1047 discharge those powers, functions, and services provided therein by the unified government
 1048 of Milledgeville-Baldwin County, Georgia.

1049 (b) The urban services district as authorized in paragraph (2) of subsection (a) of Section
 1050 7-301 of this charter, together with any enlargement or modification thereof pursuant to the
 1051 provisions of this charter, shall constitute an urban tax district, as the case may be, wherein
 1052 the commission may levy and collect additional taxes and may appropriate additional money
 1053 therefrom to perform and discharge those additional powers, functions, and additional
 1054 services provided therein by the unified government of Milledgeville-Baldwin County,
 1055 Georgia.

1056 (c) The assessment of real and personal property for ad valorem tax purposes shall be upon
 1057 a uniform basis throughout the entire area of the unified government; provided, however, that
 1058 the rate and manner of additional taxation of services districts may vary in any services tax
 1059 district from that in another or other services tax districts in such a way as to reflect
 1060 reasonably the kind, character, type, degree, and level of services afforded to such services
 1061 tax district or districts.

1062 **BORROWING AND INDEBTEDNESS**

1063 **SECTION 7-201.**

1064 Issuance of general obligation bonds.

1065 (a) The commission shall be authorized to issue and sell general obligation bonds, after
 1066 approval of the qualified voters, under the provisions of the Constitution and general laws
 1067 of Georgia for any public purpose for the benefit of the unified government or any tax area
 1068 or services district thereof; provided, however, that for the purpose of issuing and selling

1069 such general obligation bonds, the unified government of Milledgeville-Baldwin County,
 1070 Georgia, shall be deemed a county, and the provisions of the Constitution and laws of
 1071 Georgia governing the limitations, terms, and procedures for the issuance and sale of bonds
 1072 by counties shall apply to the unified government unless otherwise provided by this charter.

1073 (b) All general obligation bonds shall be issued in the name of Milledgeville-Baldwin
 1074 County, Georgia, and shall be an obligation thereof, and the full faith and credit of the
 1075 unified government of Milledgeville-Baldwin County, Georgia, shall be pledged for all
 1076 general obligation bonds issued thereunder which are payable from ad valorem taxes, and,
 1077 for such purpose, the commission shall have the authority to levy and collect ad valorem
 1078 taxes without limit as to rate or amount on all taxable property within the territorial limits of
 1079 the unified government.

1080 **SECTION 7-202.**

1081 Debt limitation; general obligation bonds.

1082 The total general obligation bond indebtedness of the unified government of
 1083 Milledgeville-Baldwin County, Georgia, payable from ad valorem taxes, including all
 1084 outstanding general obligation bonds of the former City of Milledgeville and Baldwin County
 1085 on the effective date of this charter, shall not exceed 10 percent of the assessed value of all
 1086 taxable property within the territorial limits of the unified government.

1087 **SECTION 7-203.**

1088 Revenue bonds.

1089 The commission shall be empowered and authorized to issue revenue bonds for the purposes
 1090 and in the manner as now or hereafter provided by Article 3 of Chapter 82 of Title 36 of the
 1091 O.C.G.A., the "Revenue Bond Law."

1092 **SECTION 7-204.**

1093 Use of bond proceeds.

1094 All revenue derived by Milledgeville-Baldwin County, Georgia, from the issuance and sale
 1095 of bonds shall be used exclusively for the purposes for which such bonds were issued, and
 1096 all ad valorem taxes collected for the purpose of servicing or retiring such bonds shall be
 1097 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 district 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 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 previously existing City of Milledgeville and Baldwin County, now consolidated into Milledgeville-Baldwin County, Georgia, by this charter, which had been allocated to the retirement of any bonded indebtedness of such 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 district, and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the general services district. 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 district, and the principal and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the urban services district.

(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 district nor any of the other provisions of this charter shall impair or diminish any of the rights, revenues, or security and

1133 source for payment of any of such bonds or revenue bonds issued by the City of
 1134 Milledgeville or by Baldwin County prior to the effective date of this charter, or authorized
 1135 but unissued by the City of Milledgeville or by Baldwin County on the effective date of this
 1136 charter and thereafter issued by Milledgeville-Baldwin County, Georgia; and such holders
 1137 of such bonds or revenue bonds shall have and be entitled to enforce any and all rights,
 1138 remedies, and security and sources for payment granted such holders by the proceedings
 1139 which authorized the issuance of such bonds or revenue bonds as fully and to the same extent
 1140 as if this charter had not been adopted.

1141 **SECTION 7-301.**

1142 Financing of services; general and urban services districts.

1143 (a) In Milledgeville-Baldwin County, Georgia, there shall be:

1144 (1) A general services district which shall consist of the total area of Baldwin County as
 1145 fixed and established upon the effective date of this charter or as hereafter modified
 1146 according to law;

1147 (2) An urban services district which shall consist of the area embraced within the
 1148 corporate limits of the City of Milledgeville as the same exists upon the day immediately
 1149 preceding the effective date of this charter or as such area may be hereafter expanded as
 1150 herein provided; and

1151 (3) Such special services districts as the commission may hereafter establish.

1152 (b) All other tax districts existing in the City of Milledgeville or Baldwin County
 1153 immediately prior to the effective date of this charter shall be continued in effect by this
 1154 charter.

1155 (c) Such services districts shall be tax districts wherein taxes and other assessments shall be
 1156 assessed, levied, and collected by the unified government in accordance with the kind,
 1157 character, type, and degree of services actually provided therein and may vary in any one
 1158 services district from that of another or other areas in accordance with the provisions of this
 1159 charter. The powers, authority, duties, liabilities, services, and functions of
 1160 Milledgeville-Baldwin County, Georgia, may vary in any services district from that in
 1161 another or other services district.

1162 (d) The unified government is hereby empowered to exercise and provide within the general
 1163 services district and within any urban services district established by this charter or by
 1164 ordinance of the commission those powers, functions, and services which have theretofore
 1165 been exercised and provided by Baldwin County or the City of Milledgeville, or both; all
 1166 powers, functions, and services authorized by this charter, and any amendments thereto; and

1167 all powers, functions, and services which counties and municipal corporations, or both, are
 1168 now or hereafter authorized to exercise under the Constitution and laws of Georgia.

1169 (e) The unified government shall perform or procure the performance within the general
 1170 services district of those governmental duties, functions, and services which are generally
 1171 available and accessible to all residents throughout the total territory of
 1172 Milledgeville-Baldwin County, Georgia.

1173 (f) The unified government shall perform within its urban services districts those additional,
 1174 more comprehensive and intensive, and higher levels of governmental duties, functions, and
 1175 services which benefit primarily the residents of such urban services districts.

1176 **SECTION 7-302.**

1177 Creation of services districts by ordinance.

1178 Except as otherwise provided by this charter, services districts of the unified government
 1179 shall be created, expanded, merged, unified, or reduced only by ordinance duly adopted by
 1180 the commission under such general rules, procedures, regulations, requirements, and
 1181 specifications as are established by the commission and this charter. Such rules and
 1182 regulations shall set forth the manner and method for the creation of new services districts
 1183 and the expansion, unification, reduction, or merger of existing services districts; set forth
 1184 requirements for defining functions and policies for rendering services, for changing levels
 1185 of services within existing services districts, and for transferring territory from one services
 1186 district to another; and set forth requirements for defining boundaries of services districts.

1187 **SECTION 7-303.**

1188 Requirements for defining boundaries.

1189 Whenever in this charter it is required that the boundaries of a services district be set out, it
 1190 shall suffice if the boundaries are described in such a way as to convey an intelligent
 1191 understanding of the location of the land. In the discretion of the commission, the boundaries
 1192 may be described:

- 1193 (1) By reference to a map;
- 1194 (2) By metes and bounds;
- 1195 (3) By general description referring to roads or natural boundaries or to the boundaries
 1196 of particular tracts or parcels of land; or
- 1197 (4) By any combination of the above methods.

SECTION 7-304.

Notice of hearing prior to adoption of ordinance.

Before adopting any ordinance authorized or described in Sections 7-301 through 7-303 of this charter, the commission shall give notice of its intention to consider the ordinance and shall provide an opportunity for interested persons to be heard as is provided for in subsection (d) of Section 1-105 of this charter.

SECTION 7-401.

Financial administration; fiscal year.

The initial fiscal year of Milledgeville-Baldwin County, Georgia, shall begin on January 1, 2017, and shall end on June 30, 2017. Subsequent fiscal years shall begin on July 1 and end on the following June 30. 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. 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.

SECTION 7-402.

Preparation of budgets.

The preparation of an annual 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 shall apply to the operating and capital improvement expenses of the unified government.

(b) The annual operating budget shall contain 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;

1227 (2) Proposed expenditures detailed by each department, commission, board, office,
 1228 agency, and activity in accordance with an established classification of accounts,
 1229 including those capital outlays which are to be financed from the revenues of the ensuing
 1230 year and including all debt service requirements in full for such fiscal year; and

1231 (3) Such other information as may be considered necessary or desirable by the mayor or
 1232 the commission.

1233 (c) In no event shall the total proposed expenditures from any fund exceed the total
 1234 anticipated revenues plus the estimated unappropriated surplus or fund balance and
 1235 applicable reserves less any estimated deficit at the end of the current fiscal year.

1236 **SECTION 7-404.**

1237 Submission of budgets to the commissioners.

1238 (a) In advance of initiating preparations of the annual budget, the mayor, with participation
 1239 of the commission, shall develop a statement of the general fiscal policies of
 1240 Milledgeville-Baldwin County, Georgia; the important features of the budget; explanations
 1241 of major changes recommended for the next fiscal year; a general summary of the budget;
 1242 and such other comments and information as may be deemed pertinent.

1243 (b) On or before a date fixed by the commission but not later than 60 days prior to the
 1244 beginning of each fiscal year, the Milledgeville-Baldwin County, Georgia, county manager
 1245 in consultation with the department heads shall prepare an operating budget to submit to the
 1246 mayor.

1247 (c) The mayor shall submit to the commission a proposed operating budget for the ensuing
 1248 fiscal year. The budget shall be accompanied by a message from the mayor containing a
 1249 statement of the general fiscal policies of Milledgeville-Baldwin County, Georgia; the
 1250 important features of the budget; explanations of major changes recommended for the next
 1251 fiscal year; a general summary of the budget; and such other comments and information as
 1252 may be deemed pertinent. A summary of the budget and the mayor's message shall be
 1253 published in a newspaper of general circulation designated as the legal organ of the unified
 1254 government. The operating budget, the budget message, and all supporting schedules shall
 1255 be filed in the Milledgeville-Baldwin County, Georgia, county manager's office and shall be
 1256 open to public inspection.

1257 **SECTION 7-405.**

1258 Adoption of budgets.

1259 (a) The commission shall approve, reject, or amend the proposed operating budget. The
 1260 budget as finally adopted shall provide for all expenditures required by law or by other
 1261 provisions of this charter and for all debt service requirements for the ensuing fiscal year.
 1262 The total appropriations from any fund shall not exceed the estimated fund balance, reserves,
 1263 and revenues constituting the resources available of such fund.

1264 (b) The commission shall adopt the final annual operating budget for the ensuing fiscal year
 1265 not later than the 31st day of December of each year, and such budget shall be effective for
 1266 the fiscal year beginning on the first day of January. In the event the commission fails to
 1267 adopt the budget by such date, the amounts appropriated for current operation for the current
 1268 fiscal year shall be deemed adopted for the ensuing fiscal year, with appropriate items
 1269 prorated accordingly, until such time as the commission shall adopt a budget for the ensuing
 1270 fiscal year. Adoption of the annual operating budget shall take the form of an appropriation
 1271 ordinance setting out estimated revenues in detail by source and making appropriations
 1272 accordingly to fund organizational units, purposes, or activities as set forth in the budget
 1273 document.

1274 (c) The amount set out in the adopted operating budget for each organizational unit, purpose,
 1275 or activity shall constitute the annual appropriation for such item, and no expenditure shall
 1276 be made or encumbrance created in excess of the otherwise unencumbered balance of the
 1277 appropriation, or allotment thereof, to which it is chargeable.

1278 (d) The commission shall adopt by ordinance the capital improvements program and capital
 1279 budget for the ensuing fiscal year not later than the 31st day of December of each year. The
 1280 capital budget ordinance shall show in detail the capital expenditures intended to be made
 1281 or incurred in the ensuing fiscal year that are to be financed from funds subject to control or
 1282 appropriation by the commission and shall be in full conformity with that part of the capital
 1283 program applicable to the year which it covers. Amounts specified as intended to be spent
 1284 out of new appropriations shall, upon enactment of the capital budget ordinance, constitute
 1285 appropriations of such amounts.

1286 **SECTION 7-406.**

1287 Property tax levies.

1288 Following the adoption of the operating and capital improvements budgets for each fiscal
 1289 year, the commission shall levy by ordinance a general services district tax on all real and
 1290 personal property within the general services tax district as provided by this charter. The tax
 1291 rate set by such ordinance shall be such that a reasonable estimate of cash revenues from
 1292 such levy shall be at least sufficient, together with other anticipated revenues, fund balances,

1293 and applicable reserves, to equal the total amount appropriated for each of the several funds
 1294 set forth in the annual operating budget for defraying the expenses of the general services
 1295 district for services to be rendered throughout the entire area of Milledgeville-Baldwin
 1296 County, Georgia. Such services shall include those functions set forth in subsections (c) and
 1297 (d) of Section 7-301 of this charter, and such other purposes, functions, and services as may
 1298 be authorized by the laws of Georgia, by this charter, or by ordinance of the commission.
 1299 The commission shall levy by ordinance a special services district tax on all real and personal
 1300 property within any special services tax district as authorized by this charter. The tax rates
 1301 set by such ordinance for each district shall be such that a reasonable estimate of cash
 1302 revenues from such levy shall be at least sufficient, together with other anticipated revenues,
 1303 fund balances, and applicable reserves, to equal the total amount appropriated for each of the
 1304 several funds set forth in the annual operating budget for defraying the expenses of a higher
 1305 level of services to be rendered in a special services district.

1306 **SECTION 7-407.**

1307 Limitation of funds.

1308 Upon certification by the Milledgeville-Baldwin County, Georgia, county manager that the
 1309 revenues or other resources actually realized with respect to any fund will be less than was
 1310 anticipated and will be insufficient to meet the amounts appropriated from such fund, it shall
 1311 be the duty of the Milledgeville-Baldwin County, Georgia, county manager upon the
 1312 instruction of the mayor of the unified government to limit such appropriations or to transfer
 1313 other available funds between departments as may be necessary to prevent deficit operation.

1314 **SECTION 7-408.**

1315 Transfer of funds.

1316 Upon recommendation of the Milledgeville-Baldwin County, Georgia, county manager and
 1317 approval of a majority vote of the commission, the commission may make interfund or
 1318 interdepartmental transfers in the current operating budget or capital improvements budget
 1319 at any regular or special meeting called for such purpose, provided funds are also available.

1320 **SECTION 7-409.**

1321 Lapse of appropriations.

1322 All unencumbered balances of appropriations in the current operating budget at the end of
 1323 the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
 1324 from which such appropriations were made.

1325 **SECTION 7-410.**

1326 Continuing audit.

1327 The auditor shall conduct a continuing internal audit of the fiscal affairs and operations of
 1328 every department, office, and agency of the unified government.

1329 **SECTION 7-411.**

1330 Post-audit.

1331 (a) The commission shall provide annually for an independent audit of the accounts and
 1332 other evidences of financial transactions of the government of Milledgeville-Baldwin
 1333 County, Georgia, and of every office, department, board, commission, authority, or other
 1334 agency. The audit shall be made by a certified public accountant who shall have no personal
 1335 interest, direct or indirect, in the fiscal affairs of Milledgeville-Baldwin County, Georgia, or
 1336 of any of its departments, boards, offices, commissions, authorities, or agencies. The
 1337 commission shall by competitive bids, taking into consideration the most responsive and
 1338 reasonable bid, designate such accountant or firm annually or for a period not exceeding
 1339 three years.

1340 (b) The audit may be conducted on a quarterly or continuing basis, and the final report of the
 1341 annual audit shall be completed as soon as practicable after the close of the fiscal year, and
 1342 in no event later than six months after the close of the fiscal year. The audit report shall be
 1343 filed with the Milledgeville-Baldwin County, Georgia, county manager and made available
 1344 to the public.

1345 (c) The commission may at any time order an examination or special audit of any office,
 1346 department, board, commission, or other agency of Milledgeville-Baldwin County, Georgia.

1347 **PROCUREMENT AND DISPOSITION OF PROPERTY**

1348 **SECTION 7-501.**

1349 Contracting procedures.

1350 The commission shall prescribe by ordinance rules and regulations which shall be followed
 1351 in the making of contracts in order to bind the government of Milledgeville-Baldwin County,

1352 Georgia. Except where otherwise provided by law or by ordinance, all contracts of the
 1353 government of Milledgeville-Baldwin County, Georgia, shall be signed by the mayor and
 1354 authenticated by the Milledgeville-Baldwin County, Georgia, county manager.

1355 **SECTION 7-502.**

1356 Sale and disposition of property.

1357 (a) The commission is authorized to sell any real or personal property owned or held by
 1358 Milledgeville-Baldwin County, Georgia, and not needed for governmental or other public
 1359 purposes in such manner as is required in state law for counties, as provided for in Code
 1360 Sections 36-9-2 and 36-9-3 of the O.C.G.A.

1361 (b) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 1362 of Milledgeville-Baldwin County, Georgia, a small parcel or tract of land is cut off or
 1363 separated by such work from a larger tract of land owned by Milledgeville-Baldwin County,
 1364 Georgia, the commission may authorize the execution and deliverance in the name of the
 1365 government of Milledgeville-Baldwin County, Georgia, of a deed conveying said cut-off or
 1366 separated parcel or tract of land to an abutting or adjoining property owner or owners in
 1367 exchange for rights of way in said street, avenue, alley, or public place, or in settlement of
 1368 any alleged damages sustained by said abutting or adjoining property owner. All deeds and
 1369 conveyances so executed and delivered shall convey all title and interest the unified
 1370 government of Milledgeville-Baldwin County, Georgia, has in such property.

1371 **ARTICLE VIII**

1372 **GENERAL PROVISIONS**

1373 **SECTION 8-101.**

1374 Application of laws; laws in force.

1375 (a) The general laws of the State of Georgia of a criminal nature shall be applicable to and
 1376 within the limits of the unified government. General laws of local application through
 1377 classification by population, not in conflict with this charter, which, on the effective date of
 1378 this charter, apply to the City of Milledgeville or Baldwin County, Georgia, shall be
 1379 applicable to the unified government, and which apply to Milledgeville-Baldwin County,
 1380 Georgia, as either a city or a county at the time of their enactment or thereafter shall be
 1381 effective; provided, however, that those laws which did not apply to the City of Milledgeville
 1382 or Baldwin County or the unified government at the time of their enactment shall not become

1383 applicable to the unified government except through the adoption of a resolution to that
 1384 effect by the commission.

1385 (b) Local Acts of the State of Georgia which apply specifically to either Baldwin County or
 1386 the City of Milledgeville, or both, shall be applicable to the unified government.

1387 (c) In construing the applicability of provisions of the Constitution and the general laws of
 1388 Georgia which apply in general terms to either counties or municipalities, or both, and local
 1389 Acts of the General Assembly that apply specifically to Baldwin County or the City of
 1390 Milledgeville, or both, the following terms as used in such laws shall be construed to include
 1391 the unified government as follows:

1392 (1) "City," "town," "municipal corporation," or "municipality" shall be construed to
 1393 include Milledgeville-Baldwin County, Georgia;

1394 (2) "Council," "mayor," "mayor and council," "aldermen," and "commission of
 1395 aldermen" shall be construed to include the Board of Commissioners of
 1396 Milledgeville-Baldwin County, Georgia;

1397 (3) "County" shall be construed to include Milledgeville-Baldwin County, Georgia;

1398 (4) "Mayor" shall be construed to include the mayor of Milledgeville-Baldwin County,
 1399 Georgia; and

1400 (5) Any other terms and provisions as used in such Acts to refer specifically to Baldwin
 1401 County or the City of Milledgeville, or both, and the officers, employees, departments,
 1402 and agencies thereof shall be construed to mean Milledgeville-Baldwin County, Georgia,
 1403 and its officers, employees, departments, and agencies.

1404 **SECTION 8-102.**

1405 Limitation on claims and service.

1406 (a) All contractual claims against the unified government shall be presented within
 1407 12 months after they accrue or become payable or the same as claimed, unless held by minors
 1408 or other persons laboring under disabilities, who are allowed 12 months after the removal of
 1409 such disability.

1410 (b) Service on the unified government of any suit, process, or order of court shall be served
 1411 upon the mayor.

1412 **SECTION 8-103.**

1413 Competitive bidding.

1414 (a) All departments and agencies of the unified government shall utilize competitive bidding
 1415 procedures, as specified in an ordinance of the commission, for all purchases in excess of an
 1416 amount provided for in an ordinance of the commission, unless such purchase shall be
 1417 otherwise approved by four of the seven commissioners.

1418 (b) A vendor located in Milledgeville-Baldwin County whose bid is within 20 percent of the
 1419 lowest bidder on a purchase shall be given the opportunity to rebid and match the lowest
 1420 bidder for such purchase if such bid meets all other stated criteria for such bid.

1421 **SECTION 8-104.**

1422 Execution of assessments.

1423 Whenever any tax or special assessment is authorized or empowered to be levied or imposed
 1424 by this charter which is required to be collected by the unified government and such is not
 1425 paid within the time period specified by the commission and no specific provision is
 1426 elsewhere provided in this charter for its collection, then the county manager shall issue
 1427 execution in the name of Milledgeville-Baldwin County, Georgia, against such person, firm,
 1428 or entity liable therefore or property subject thereto for such sums as may be due with interest
 1429 at the legal rate from the due date, and penalties and costs. The unified government shall
 1430 have the right to enforce payment of such execution by levy and sale as in the case of county
 1431 taxes, and the purchaser at such sale shall acquire the same title and rights as a purchaser at
 1432 a sale for county taxes. Executions issued by the county manager of Milledgeville-Baldwin
 1433 County, Georgia, and the levy and sale thereunder shall be governed by general law.

1434 **SECTION 8-105.**

1435 Authority to deal with federal and state agencies.

1436 The unified government of Milledgeville-Baldwin County, Georgia, shall have the power and
 1437 authority to participate in, cooperate in, and take all necessary action with respect to any and
 1438 all projects, programs, and undertakings of any nature authorized by any statute, rule, or
 1439 regulation of the United States, the State of Georgia, or any federal or state agency or
 1440 instrumentality, including, but not limited to, community development, highways, aviation,
 1441 aviation terminals, airports, airport facilities, municipal area or regional development, sewer
 1442 and sewage disposal, public housing, housing for the aged, and transportation or mass transit
 1443 or any phase thereof; to borrow money and issue promissory notes, general obligation bonds,
 1444 or revenue bonds or a combination thereof for any such purposes in accordance with
 1445 provisions of this charter; and to execute mortgages or deeds of trust in favor of any federal

1446 agency, secured by property of which the unified government is the legal or beneficial or
 1447 equitable owner, or in favor of any private agency where the loan is guaranteed by a federal
 1448 agency.

1449 **SECTION 8-106.**

1450 Federal and state aid.

1451 The unified government of Milledgeville-Baldwin County, Georgia, shall be deemed a
 1452 county but shall also be deemed an incorporated city or municipality for the purpose of
 1453 determining its right to receive and for the purpose of receiving state aid or grant-in-aid from
 1454 the State of Georgia or from the United States or from any agency or instrumentality thereof
 1455 or from any other source, public or private. The unified government shall be entitled to
 1456 receive as state aid or as grant-in-aid from the State of Georgia or from the United States or
 1457 from any agency or instrumentality thereof or from any other source, public or private, all
 1458 funds to which a county is, or may hereafter be, entitled, and also all funds to which an
 1459 incorporated city or municipality is or may be hereafter entitled, and to receive the same
 1460 without diminution or loss by reason of unification.

1461 **SECTION 8-107.**

1462 Budgets of county officers and agencies.

1463 All elected officers and all agencies not under the direct control and jurisdiction of the county
 1464 manager, such as the Board of Health and the Board of Family and Children Services, which
 1465 receive appropriations from the commission, shall, on the same date as is applicable to
 1466 budgets submitted by department heads, submit to the Milledgeville-Baldwin County,
 1467 Georgia, county manager annual operating and capital budget requests for the ensuing fiscal
 1468 year. Such budget requests, after any revisions therein by the Milledgeville-Baldwin County,
 1469 Georgia, county manager and the Milledgeville-Baldwin County mayor, shall be incorporated
 1470 into the overall unified government budget for submission by the Milledgeville-Baldwin
 1471 County mayor to the commission, which shall grant a hearing to any such officer or agency
 1472 on such proposed budgets.

1473 **SECTION 8-108.**

1474 Existing pension rights protected.

1475 (a) Persons who, at the time this charter takes effect, are employed by any office,
 1476 department, board, commission, or agency of the former City of Milledgeville shall retain all
 1477 pension rights which have accrued to them under any existing pension system.
 1478 Milledgeville-Baldwin County, Georgia, shall continue in force and effect any existing
 1479 pension system for city employees covered thereby who are employed by the unified
 1480 government, and the services of such employees shall not be deemed to have been interrupted
 1481 by the adoption of this charter.

1482 (b) Persons who, at the time this charter takes effect, are employed by any office,
 1483 department, board, commission, or agency of the former Baldwin County shall retain all
 1484 rights which have accrued to them under any existing pension system.
 1485 Milledgeville-Baldwin County, Georgia, shall continue in force and effect any existing
 1486 pension system for county employees covered thereby who are employed by the unified
 1487 government, and the services of such employees shall not be deemed to have been interrupted
 1488 by the adoption of this charter.

1489 (c) No employee seniority, salary, or benefit shall be demised or eliminated as a result of
 1490 unification.

1491 **SECTION 8-109.**

1492 Establishment of new pension systems; merging of existing systems.

1493 The commission is hereby authorized and empowered to establish and maintain a new
 1494 pension system or pension systems affecting new employees and such other employees as
 1495 desire to be covered thereby and to revise, combine, and consolidate any pension system in
 1496 effect on the effective date of this charter; provided, however, that in no event shall any
 1497 revision, combination, or unification of any existing pension system in effect when this
 1498 charter is adopted result in the curtailment or diminishment of any right accrued under any
 1499 existing pension system to any person heretofore employed by the City of Milledgeville,
 1500 Baldwin County, or of any agency of such former governments.

1501 **SECTION 8-110.**

1502 Amending charter.

1503 This charter may be modified, rescinded, changed, or amended by only the following
 1504 methods:

- 1505 (1) An Act of the General Assembly of Georgia; or

1506 (2) An ordinance adopted by the Board of Commissioners of Milledgeville-Baldwin
 1507 County, Georgia, as provided for in Article IX, Section II, Paragraph I of the Constitution
 1508 of the State of Georgia.

1509 **SECTION 8-111.**

1510 Fidelity bonds.

1511 All officers of Milledgeville-Baldwin County, Georgia, both elected and appointed, shall
 1512 execute such official bonds in such amounts and upon such terms and conditions as the law
 1513 or the commission may require.

1514 **SECTION 8-112.**

1515 Examples of powers.

1516 The powers of Milledgeville-Baldwin County, Georgia, shall include, but shall not be limited
 1517 to, the following powers:

- 1518 (1) Ad valorem taxation: to levy, assess, and collect ad valorem taxes on all taxable
 1519 property;
- 1520 (2) Other taxes: to levy, assess, and collect other taxes allowed by general law and in
 1521 accordance therewith;
- 1522 (3) Business regulation and taxation: to levy, assess, and collect occupation taxes and to
 1523 license and regulate occupations and businesses;
- 1524 (4) Appropriations: to make appropriations and expend funds for support of the unified
 1525 government and any other lawful purpose;
- 1526 (5) Debts: to borrow money and issue bonds as authorized by general law;
- 1527 (6) Property: to own property and interests in property;
- 1528 (7) Gifts: to accept gifts and grants for any purpose related to the powers and duties of
 1529 the unified government on such terms as the donor may impose;
- 1530 (8) Condemnation: to condemn property inside the unified government for present or
 1531 future use;
- 1532 (9) Public utilities: to acquire, lease, operate, and dispose of public utilities;
- 1533 (10) Franchises: to grant franchises or make contracts for public utilities and to prescribe
 1534 the conditions of such franchises and contracts;
- 1535 (11) Roadways: to open, maintain, improve, and close streets and roads and to grant
 1536 franchises and rights of way thereon;

- 1537 (12) Public facilities: to acquire, operate, and dispose of public buildings, public projects,
1538 parks, cemeteries, recreational facilities, and other public improvements inside the unified
1539 government;
- 1540 (13) Building regulation: to regulate the building trades and the construction of buildings
1541 and to adopt and enforce building, housing, plumbing, electrical, gas, heating, and air
1542 conditioning codes;
- 1543 (14) Planning and zoning: to adopt land, use plans, and exercise the power of zoning,
1544 subdivision regulation, and the like;
- 1545 (15) Police power: to exercise the police power for the public safety and well-being of
1546 the citizens of the unified government;
- 1547 (16) Roadside regulation: to prohibit or regulate signs, billboards, and other items upon
1548 or adjacent to streets and roads;
- 1549 (17) Health: to prescribe and enforce health and sanitation standards;
- 1550 (18) Pollution: to regulate emissions which pollute the air and water;
- 1551 (19) Fire safety: to fix fire limits and to prescribe and enforce fire safety regulations;
- 1552 (20) Public hazards: to provide for the destruction or removal of public hazards;
- 1553 (21) Waste disposal: to provide for and regulate the collection, disposal, and recycling
1554 of garbage and wastes;
- 1555 (22) Water and sewer fees: to fix and collect water and sewer fees;
- 1556 (23) Garbage fees: to fix and collect garbage fees;
- 1557 (24) Nuisances: to define and provide for the abatement of nuisances;
- 1558 (25) Property protection: to preserve and protect the property of the unified government;
- 1559 (26) Prisoners: to provide for public work by prisoners and for their confinement;
- 1560 (27) Animal control: to regulate or prohibit the keeping of animals;
- 1561 (28) Motor vehicles: to regulate the operation and parking of motor vehicles;
- 1562 (29) Taxicabs: to regulate vehicles operated for hire in the unified government;
- 1563 (30) Pensions: to provide and maintain a system of pensions and retirement for
1564 employees and officers of the unified government;
- 1565 (31) Special assessments: to levy, assess, and collect special assessments to cover the
1566 cost of public improvements;
- 1567 (32) Contracts: to enter into lawful contracts and agreements;
- 1568 (33) Agencies: to create, alter, or abolish departments, boards, offices, commissions,
1569 authorities, and agencies of the unified government and to confer appropriate authority
1570 upon them;
- 1571 (34) Penalties: to provide penalties for violations of ordinances of the unified
1572 government;

- 1573 (35) Law enforcement and fire protection: to exercise the power of arrest through
1574 appointed deputies and to operate a fire department;
1575 (36) Emergencies: to provide for the determination, proclamation, and combating of
1576 emergencies;
1577 (37) Urban redevelopment: to organize and operate an urban redevelopment program;
1578 (38) Public transportation: to organize and operate public transportation programs; and
1579 (39) General health, safety, and welfare: to define, regulate, and prohibit any act,
1580 practice, conduct, or use of property which is detrimental to the health, sanitation,
1581 cleanliness, welfare, and safety of the inhabitants of the unified government.

1582 **SECTION 8-113.**

1583 Provision of services.

1584 When determining services to be provided, the unified government of Milledgeville-Baldwin
1585 County, Georgia, shall always attempt:

- 1586 (1) To efficiently allocate resources to increase the quality of life for all citizens of
1587 Milledgeville-Baldwin County, Georgia;
1588 (2) To provide the highest quality services to all citizens of Milledgeville-Baldwin
1589 County, Georgia;
1590 (3) To ensure efficient utilization of community resources;
1591 (4) To promote equity for all citizens in the delivery of governmental services throughout
1592 Milledgeville-Baldwin County, Georgia; and
1593 (5) To recognize and consider the advantages of the provision of services through
1594 contractual arrangements with other governments and private enterprises.

1595 **SECTION 8-114.**

1596 Historic items.

1597 It shall be the responsibility of the unified government to collect, preserve, and display
1598 documents and other items of historical significance to the City of Milledgeville, Baldwin
1599 County, and Milledgeville-Baldwin County, Georgia.

1600 **SECTION 8-115.**

1601 Section captions.

1602 The captions to the several sections of this charter are informative only and are not to be
1603 construed as a part thereof.

1604 **SECTION 8-116.**

1605 Effect of repeals.

1606 No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein
1607 of the repealing Act or by any provision of this charter that disclaims an intention to repeal
1608 or affect enumerated laws.

1609 **SECTION 8-117.**

1610 Severability clause.

1611 If any provision of this charter or the application thereof to any person or circumstance is
1612 held invalid, such invalidity shall not affect other provisions or applications of this charter
1613 which can be given effect without the invalid provision or application; and to this end, the
1614 provisions of this charter are declared to be severable.

1615 **ARTICLE IX**

1616 **TRANSITION PROVISION**

1617 **SECTION 9-101.**

1618 Provision of services during transition.

1619 In order to unify the two governments and to assure the common and continued
1620 administration of services currently provided by both the City of Milledgeville and Baldwin
1621 County, the following procedures shall apply:

1622 (1) On the effective date of the new unified government, all services currently provided
1623 by the county shall be provided through the general services district to all residents of the
1624 county, and all services provided by the city shall be provided through the urban services
1625 district to the current residents of the City of Milledgeville. Assuming the continued
1626 availability of state and federal funds, these services arrangements shall apply until
1627 modified as provided under the provisions cited below;

1628 (2) Within four years of the effective date of this charter, the unified government shall
1629 adopt a services delivery plan that includes, but is not limited to, the following:

1630 (A) An administrative mechanism with appropriate status and adequate budget to
1631 develop and implement a comprehensive program of human and economic development

1632 which shall be responsible for identifying problems and needs that exist in the
 1633 community and for identifying and securing resources needed to effectively address
 1634 these problems and needs; and

1635 (B) An administrative mechanism with appropriate status and adequate budget to
 1636 develop and implement adequate parks and recreation programs that will be available
 1637 to all citizens of Milledgeville-Baldwin County, Georgia; and

1638 (3) The unified government shall work with due speed to equalize the charges for all
 1639 services throughout the county.

1640 **SECTION 9-102.**

1641 Protection and compensation of existing employees.

1642 (a) All full-time employees of the City of Milledgeville and Baldwin County, Georgia, and
 1643 all full-time employees of any department, office, or agency thereof shall, upon the
 1644 termination of said city and county governments and the inception of the unified government,
 1645 shall become employees of the unified government or of a department, office, or agency
 1646 thereof and shall be assigned to duties as similar in nature as may be practicable within said
 1647 unified government.

1648 (b) No permanent full-time employee of the City of Milledgeville or Baldwin County shall
 1649 lose employment or suffer any diminution of compensation resulting from the adoption of
 1650 this charter. The definition of compensation includes, but is not limited to, salary, insurance
 1651 and retirement benefits, and annual and sick leave. This provision shall not apply to any
 1652 position which requires appointment by the mayor and confirmation by a majority of the
 1653 commission under paragraph (2) of Section 3-105 of this charter.

1654 (c) Within 12 months of the effective date of this charter, the unified government shall have
 1655 begun implementation of a plan that ensures that all employees performing the same
 1656 functions and having the same responsibilities receive uniform compensation by the end of
 1657 the fourth year of operation of the unified government. This requirement that there be a
 1658 uniform level of compensation throughout Milledgeville-Baldwin County, Georgia, by the
 1659 end of the fourth year shall not require that there be any freeze on employee compensation.

1660 (d) Elimination of the duplication of functions shall be addressed through attrition and
 1661 reassignment. Therefore, no permanent full-time employee of the City of Milledgeville or
 1662 Baldwin County, Georgia, at the time of unification shall suffer any diminution of
 1663 compensation resulting from the adoption of this charter. This provision shall not apply to
 1664 any position which requires appointment by the mayor and confirmation by a majority of the
 1665 commission under paragraph (2) of Section 3-105 of this charter.

1666 (e) All new employees hired by the governing authorities of Baldwin County and the City
 1667 of Milledgeville following the ratification of this charter by the voters shall be deemed
 1668 temporary employees until such employment is ratified by the unified government of
 1669 Milledgeville-Baldwin County, Georgia.

1670 **SECTION 9-103.**

1671 Effective date of charter.

1672 This charter shall become fully effective in accordance with Section 9-112 of this charter
 1673 upon the election of a mayor, vice mayor, and board of commissioners for
 1674 Milledgeville-Baldwin County, Georgia, and their taking office as the governing authority
 1675 of the unified government.

1676 **SECTION 9-104.**

1677 Initial budget.

1678 The first full 12 month budget of the unified government shall not exceed an amount equal
 1679 to the combined fiscal year general operating budgets of the City of Milledgeville and
 1680 Baldwin County from the immediately preceding fiscal year of the City of Milledgeville and
 1681 Baldwin County, plus increases due to inflation as specified in the Consumer Price Index
 1682 from the United States government, if approved, but not including capital road improvements
 1683 and other special revenue funds under special purpose local option sales taxes.

1684 **SECTION 9-105.**

1685 Number of employees.

1686 From the effective date of this charter until **[specify date]**, the total number of employees of
 1687 Milledgeville-Baldwin County, Georgia, shall not exceed the combined number of employees
 1688 authorized for the governments of the former City of Milledgeville and Baldwin County on
 1689 the effective date of this charter except as otherwise mandated by law.

SECTION 9-106.

Cooperation of former governments.

(a) All officers, officials, and employees of the former City of Milledgeville and Baldwin County shall cooperate with and assist the mayor; the board of commissioners; the Milledgeville-Baldwin County, Georgia, county manager; and other officers of Milledgeville-Baldwin County, Georgia:

(1) In planning the unification of departments, boards, commissions, authorities, and agencies of such 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 merger 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.

(b) During the time period beginning upon the ratification of this charter by the voters and extending until January 1, 2017, it shall be illegal for any member of the governing authority of Baldwin County or the governing authority of the City of Milledgeville to violate the terms of this charter.

(c) During the time period beginning upon the ratification of this charter by the voters and extending until January 1, 2017, the governing authority of the City of Milledgeville and the governing authority of Baldwin County shall not be authorized to increase their respective budgets by more than 10 percent above the budget level existing on the date of the ratification of this charter by the voters.

SECTION 9-107.

Existing ordinances and resolutions continued in effect.

(a) Subject to subsection (d) of this section, existing ordinances and resolutions of the Board of Commissioners 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,

1722 Georgia, or the appropriate department or agency thereof until they have been repealed,
1723 modified, or amended.

1724 (b) Subject to subsection (d) of this section, existing ordinances and resolutions of the City
1725 of Milledgeville, not inconsistent with the provisions of this charter, shall continue in effect
1726 as ordinances and resolutions of Milledgeville-Baldwin County, Georgia, and shall apply
1727 only to the area included within the urban services district until they have been repealed,
1728 modified, or amended.

1729 (c) Subject to subsection (d) of this section, in the event of a conflict between any of the
1730 ordinances or resolutions continued by this section, the provisions thereof shall apply only
1731 to the territory of the unified government that such ordinance or resolution applied prior to
1732 the effective date of this charter and until such ordinance or resolution is repealed, changed,
1733 or amended to eliminate the conflict.

1734 (d) Twenty-four months after the effective date of this charter, all ordinances and resolutions
1735 shall apply uniformly throughout the area of the unified government. Prior to this date, the
1736 commission shall review all ordinances and resolutions and take whatever action is needed
1737 to remove any conflicts between ordinances and resolutions continued by this section in order
1738 to produce a uniform body of ordinances and resolutions, free of any conflicts or
1739 contradictions between such provisions.

1740 **SECTION 9-108.**

1741 **Contracts and obligations.**

1742 (a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and
1743 other obligations or instruments entered into by Baldwin County or for its benefit prior to the
1744 effective date of this charter shall continue in effect according to the terms thereof as
1745 obligations and rights of the unified government; provided, however, that any obligation
1746 created by Baldwin County to become effective after the date of approval of this charter and
1747 prior to the effective date of this charter shall be subject to ratification and approval by the
1748 Board of Commissioners of Milledgeville-Baldwin County, Georgia, within six months
1749 following the effective date of this charter.

1750 (b) Except as otherwise provided by this charter, contracts, orders, leases, bonds, and other
1751 obligations or instruments entered into by the City of Milledgeville or for its benefit prior to
1752 the effective date of this charter shall continue in effect according to the terms thereof as
1753 obligations and rights of the unified government; provided, however, that any obligation
1754 created by the City of Milledgeville to become effective after the date of approval of this
1755 charter and prior to the effective date of this charter shall be subject to ratification and

1756 approval by the Board of Commissioners of Milledgeville-Baldwin County, Georgia, within
1757 six months following the effective date of this charter.

1758 (c) No pending action or proceeding of any nature, whether civil, criminal, judicial,
1759 administrative, or other, by or against the City of Milledgeville or Baldwin County or an
1760 agency or department thereof, shall be abated or otherwise affected by the adoption of this
1761 charter, and Milledgeville-Baldwin County, Georgia, shall stand substituted as a party in lieu
1762 thereof.

1763 **SECTION 9-109.**

1764 Dissolution of existing governments.

1765 On the effective date of this charter, the Board of Commissioners of Baldwin County and the
1766 mayor and council of the City of Milledgeville and all the officers thereof and the offices
1767 thereof not continued under this charter shall be repealed and abolished, and all emoluments
1768 appertaining thereto shall cease. Thereupon, the governments of Baldwin County and the
1769 City of Milledgeville shall terminate as separate political entities, and all powers, functions,
1770 duties, and obligations thereof shall be transferred to and vested in the unified government
1771 created by this charter.

1772 **SECTION 9-110.**

1773 Transfer of records and equipment.

1774 When an agency of the City of Milledgeville or of Baldwin County is abolished or unified
1775 by this charter, all books, papers, maps, charts, plans, records, other equipment, and personal
1776 property in possession of such agency shall be delivered to the agency to which its rights,
1777 powers, duties, and obligations are transferred.

1778 **SECTION 9-111.**

1779 Officers serve until successors qualify.

1780 Notwithstanding any other provision of this charter, any officer performing duties under the
1781 government of the City of Milledgeville or Baldwin County may continue to perform the
1782 duties thereof until a successor, whether under the same title or office of another, shall be
1783 elected or appointed and qualified to perform the duties, it being the intention hereof that no
1784 duty or service shall lapse or be abandoned because of lack of an officer to perform such duty
1785 or service.

SECTION 9-112.

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 to be held on the date of the 2015 November general election. 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 for the purposes of electing the mayor and commission and for transition activities immediately and for all purposes on January 1, 2017. Otherwise, it shall be void and of no force and effect and shall stand repealed by operation of law. 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 charter.

(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.

1821 (e) Whenever a charter for the unification of the governments of the City of Milledgeville
 1822 and Baldwin County has been accepted, the certified copies thereof as provided for in this
 1823 section, with the proclamation of the Secretary of State of Georgia attached thereto, shall be
 1824 deemed duplicate original copies of the charter of the unified government for all purposes.
 1825 The certified copy of the charter and proclamation deposited with the clerk of the governing
 1826 authority of the City of Milledgeville and the certified copy of the charter and proclamation
 1827 deposited with the clerk of the governing authority of Baldwin County shall subsequently be
 1828 delivered by them to the successor government. The successor government may issue
 1829 certified copies of the charter, and any copy so certified shall be deemed a duplicate original
 1830 copy of the charter of the unified government for all purposes. The Secretary of State is
 1831 authorized to issue certified copies of the charter on file, and copies so certified shall be
 1832 deemed duplicate original copies of the charter of the unified government for all purposes.

1833 (f) Upon the approval of this charter, a transition team shall be established and initially
 1834 composed of two members appointed by the member of the Senate who represents Baldwin
 1835 County, two members appointed by the member of the House of Representatives who
 1836 represents Baldwin County, the mayor of the City of Milledgeville, and the chairperson of
 1837 the Board of Commissioners of Baldwin County. Upon their election, the members of the
 1838 Milledgeville-Baldwin County unified government shall become members of the transition
 1839 team. In the event that one or more newly elected members are already serving on the
 1840 transition team, no additional member shall be added to replace such person.

1841 (g) Funding for transition activities shall come from the additional franchise fees that will
 1842 become available from the unincorporated areas of Baldwin County upon adoption of the
 1843 unified charter.

1844 (h) The transition team may make recommendations for revisions of the charter through the
 1845 state legislative process prior to the actual implementation of the charter.

1846 (i) The following shall be the transition operational timeline:

1847 2015 The charter shall be submitted to the General Assembly requesting that local
 1848 legislation allowing a vote on the Milledgeville-Baldwin County Unified
 1849 Government Charter take place as part of the November, 2015, general election.

1850 2016 Merge all city and county departments and request the General Assembly to enact
 1851 local legislation authorizing the formation of a Milledgeville-Baldwin County
 1852 Water and Sewer Authority. Elect commissioners for the Milledgeville-Baldwin
 1853 County Unified Government.

1854 2017 On January 1, 2017, the unified government begins. All remaining departments
 1855 and offices of the Baldwin County government and the City of Milledgeville

1856 government shall be merged as soon as practicable following the initiation of the
1857 new unified government.

1858 **ARTICLE X**

1859 **REPEALS**

1860 **SECTION 10-101.**

1861 Specific repeals.

1862 (a) On January 1, 2017, an Act providing for a new charter for the City of Milledgeville,
1863 approved December 15, 1900 (Ga. L. 1900, p. 345), and all amendatory Acts thereto, is
1864 repealed.

1865 (b) On January 1, 2017, an Act creating the Board of Commissioners of Baldwin County,
1866 approved December 26, 1888 (Ga. L. 1888, p. 286), and all amendatory Acts thereto, is
1867 repealed.

1868 **SECTION 10-102.**

1869 Repeal of conflicting laws.

1870 All laws and parts of laws in conflict with this charter are hereby repealed.