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Elections Division

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Max Cleland
SECRETARY OF STATE

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April 1, 1986

TO: MAYOR, CITY OF BALDWIN
FROM: MAX CLELAND, SECRETARY OF STATE
SUBJECT: ENACTMENTS OF THE GENERAL ASSEMBLY.

I am enclosing legislation which passed during the recent session of the General Assembly for your information and record.

Any time this office can be of service to you, please call on me.

Most sincerely,

A handwritten signature in cursive script that reads "Max Cleland".

Max Cleland
Secretary of State

MC:jb

0029-0001-03-86

ENROLLMENT

H. B. No. 2053 Act No. 1395

General Assembly



AN ACT

To reincorporate and provide a new municipal charter for the City of Baldwin, in Habersham and Banks counties; to provide for the boundaries of the city; and for other purposes.

March 27, 19 86

The Committee of the House on Journals has examined the within and finds the same properly enrolled.

Rafael J. Beckwith
Chairman

Thomas Murphy
Speaker of the House

Steve Heard
Clerk of the House

Joe Risher
President of the Senate

Hamilton M. Whotley Jr.
Secretary of the Senate

Received Tom Beidue
Secretary, Executive Department

This 27th day of March 19 86

Approved

Frank Harris
Governor

This 28th day of March 19 86

IN HOUSE

Read 1st time 2-26-86
Read 2nd time 2-27-86
Read 3rd time 2-28-86

And Passed

Ayes 110

Nays 0

Steve Heard
Clerk of the House

IN SENATE

Read 1st time 3-1-86
Read 2nd time
Read 3rd time

And Passed 3-6-86

Ayes 45

Nays 0

Hamilton M. Whotley Jr.
Secretary of the Senate

Reps. Dover of the 11th and
Jamieson of the 11th
By:

AN ACT

To reincorporate and provide a new municipal charter for the City of Baldwin, formerly the Town of Baldwin, in Habersham and Banks counties; to provide for the boundaries of the city; to provide for the powers of the city; to provide for government of the city by a city council composed of a mayor and council members; to provide for the selection, service, compensation, powers, and duties of the mayor and council members; to provide for the powers and procedures of the city council; to provide for city officers, employees, and agencies; to provide for a municipal court and its jurisdiction, powers, officers, and affairs; to provide for municipal elections; to provide for the imposition, assessment, collection, and enforcement of various forms of municipal taxation; to provide for municipal franchises, contracts, and conveyances; to provide for all other matters related to the city and its government; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

CHAPTER 1

Incorporation

Section 1-1. The City of Baldwin, formerly the Town of Baldwin, in Habersham and Banks counties is incorporated as a municipal corporation of the State of Georgia and shall have perpetual existence. The City of Baldwin shall have legal existence in both such counties,

but in any case where it is necessary to determine the legal situs on the city within a single county the legal situs of the city shall be within Habersham County.

Section 1-2. The boundaries of the city as of the effective date of this Act shall be as described in Section 7-1 of this Act. The map described by Section 7.1 of this Act shall be the official map of the corporate limits of the city on the effective date of this Act. The city council shall cause said official map to be maintained in the office of the city clerk. The city council shall thereafter cause official revisions of the official map to be made as territory is added to or removed from the city so that there shall be at all times an official map of the city showing its current boundaries which shall be on file in the office of the city clerk. The official map and certified copies thereof may be admitted in evidence in any court.

Section 1-3. The city shall have all powers granted to municipal corporations by the Constitution and general laws of this state. The city shall further have all powers usually possessed by municipal corporations of this state and all powers which it is legally possible, as of the effective date of this Act, to grant to a city by local law. All of such powers shall be construed liberally in favor of the city.

CHAPTER 2

Mayor and Council

Section 2-1. The legislative power of the city shall be vested in a city council which shall consist of a mayor and five council members and the city council shall be the municipal governing authority.

Section 2-2. No person shall be eligible to serve as mayor or as a council member unless the person resides in the city on the date of qualifying for election and continues to reside in the city until the expiration of the term of office to which the person was elected.

Section 2-3. Neither the mayor nor any council member shall hold any other municipal office or municipal employment while in office.

Section 2-4. Neither the mayor nor any council member shall take any part in the consideration of any matter in which such officer has any personal interest; and, if the mayor or a council member has any personal interest in any matter under consideration by the city council, such officer shall disclose such personal interest to the council.

Section 2-5. The city council may investigate the conduct of any affairs of city government and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails to obey any lawful order issued in the exercise of these powers shall be punished as provided by ordinance.

Section 2-6. (a) The city council shall hold a regular monthly meeting on the first Monday in each month at 7:00 P.M. or such other hour as may be established by ordinance.

(b) A special meeting of the city council may be called by the mayor or by any two members of the city council. Actual notice of a special meeting shall be given

in person or by telephone to each member of the council at least 48 hours in advance of the meeting. Such notice may be waived, and attendance at the special meeting shall constitute a waiver of the notice. Only the business stated in the call may be transacted at a special meeting. The mayor or council members calling a special meeting shall take all reasonably possible steps to inform the public of the meeting, which steps shall include at a minimum the posting of a notice of the time, place, and purpose of the meeting on the door of city hall for a period of at least 24 hours immediately prior to the meeting and advertising the time of the called meeting at least twice on the radio station closest to the city at least 24 hours prior to the meeting. (If a meeting is called with less than 24 hours notice, the mayor and council members calling such meeting shall advertise the time of the meeting at least twice on the radio station closest to the city prior to the meeting.)

(c) The city council shall be authorized to fix the compensation of the mayor and council members in accordance with the provisions of Code Section 36-35-4 of the O.C.G.A. The compensation received by such officials pursuant to the former charter of the Town of Baldwin provided by the Act approved August 3, 1923 (Ga. L. 1923, p. 448), as amended, shall be continued until such compensation is changed pursuant to said Code Section 36-35-4.

Section 2-7. The city council shall cause to be kept a journal of its proceedings which shall be a public record, and no official action of the council shall be valid unless an entry thereof is made on the journal.

Section 2-8. Three members of the council and the mayor, or mayor pro tempore acting for the mayor, shall

constitute a quorum. The affirmative vote of three members of the council shall be required for the adoption of any measure before the council.

Section 2-9. Every proposed ordinance of the council shall be in writing and in the form required for its final adoption before it is voted on. An ordinance may be introduced at any meeting, but no ordinance other than an emergency ordinance provided for in Section 2-10 of this Act shall be adopted at the meeting at which it is first introduced. All acts of the city council which are to have the force and effect of law shall be done by ordinance.

Section 2-10. To meet a public emergency affecting life, health, property, or public peace an ordinance may be adopted at the meeting at which it is first introduced. Any such ordinance shall be plainly designated as an emergency ordinance and shall clearly and specifically describe the emergency requiring its passage. The affirmative vote of at least four members of the council shall be required to adopt an emergency ordinance. No emergency ordinance shall remain in effect as such for more than 30 days, but an emergency ordinance may be made a regular permanent ordinance of the city by the affirmative vote of at least three members of the council at a subsequent meeting within said 30 day period.

Section 2-11. The city council may adopt any standard code of technical regulations or any other material by reference in an adopting ordinance, provided that any matter so incorporated into an ordinance by reference shall be authenticated by the city clerk in the same manner as the ordinance itself and shall be made available to the public in the same manner as the ordinance itself.

Section 2-12. (a) The city clerk shall authenticate by the clerk's signature and record in full, in a properly indexed book kept for the purpose, all ordinances adopted by the council.

(b) The city council shall provide for the preparation of a general codification of this charter and all ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Baldwin, Georgia." Copies of the code shall be made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with respect to reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Section 2-13. The mayor shall be the chief executive officer of the city. The mayor shall see that all laws, ordinances, resolutions, and rules of the state and the town are faithfully executed and that the officers of the city faithfully discharge their duties. The mayor shall have a general jurisdiction of the affairs of the town, subject to the direction of the city council. The mayor shall preside at meetings of the city council. The mayor shall have the right to vote only in the case of a tie vote among the council members voting.

Section 2-14. (a) The mayor shall have the right to veto any ordinance or resolution adopted by the city council within three days following its adoption by the council. Any veto shall be in writing, shall be filed with the city clerk, and shall plainly set forth the reasons for the veto. Any vetoed measure may thereafter be adopted within 35 days after the veto by the affirmative vote of four members of the council; and a measure so adopted over the mayor's veto shall not be further subject to veto. The mayor may approve any ordinance or resolution within three days following its adoption by the city council; and any measure so approved shall become effective when so approved. If the mayor neither approves nor vetoes an ordinance or resolution within three days following its adoption by the council, the measure shall become effective at the close of the third day following its approval by the council.

(b) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the votes of four council members over the mayor's veto. The reduced part or parts

shall be presented to the city council as though disapproved and shall become law unless overridden by the votes of four council members as in the case of a veto.

Section 2-15. The city council shall elect by majority vote from among its members a mayor pro tempore who shall in the absence or disability of the mayor preside at all meetings of the city council and assume the duties and powers of the mayor. The city council shall elect a new presiding officer from among its members for any period in which the mayor pro tempore is disabled, absent, or acting as mayor. Any such absence or disability of the mayor or mayor pro tempore shall be declared by majority vote of all council members.

CHAPTER 3

City Departments and Officers

Section 3-1. (a) The city council, by ordinance, shall establish, abolish, or alter nonelective offices, positions of employment, and departments and agencies of the city as necessary for the proper administration of the affairs and government of this city.

(b) The officers and employees of the city shall be appointed solely on the basis of their administrative and professional qualifications.

Section 3-2. The city council shall create by ordinance such boards, commissions, and authorities as it deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

Section 3-3. The city council shall appoint a city attorney and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties reasonably related to the office of city attorney as may be required by the city council.

Section 3-4. The city council shall appoint a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal, maintain city council records required by this Act, and perform such other duties as may be required by the city council.

CHAPTER 4

Municipal Court

Section 4-1. There shall be a court to be known as the Municipal Court of the City of Baldwin.

Section 4-2. (a) The municipal court shall be presided over by a judge. No person shall be qualified or eligible to serve as a judge of the municipal court unless such person shall have attained the age of 21 years and shall have graduated from high school or completed educational requirements equivalent to such high school graduation. All judges shall be appointed by the city council.

(b) Compensation of the judges shall be fixed by ordinance.

(c) Judges may be removed for cause by a vote of four members of the city council.

(d) Before entering on the duties of office, each person taking office as a judge shall take an oath given by the mayor that the person will honestly and faithfully discharge the duties of office as a judge to the best of the person's ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal.

Section 4-3. The municipal court shall be convened as provided by ordinance.

Section 4-4. (a) The municipal court shall try and punish violations of all city ordinances.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$500.00 or imprisonment for 30 days or both.

(d) The municipal court shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to state and superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizances to insure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons

charged with violations. Whenever any person shall give bail for the person's appearance and shall fail to appear at the time fixed for trial, the person's bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that a state law has been violated.

(g) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party, to enforce obedience to its orders, judgments, and sentences, and to administer such oaths as are necessary.

(h) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by general state law.

Section 4-5. The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases, and such certiorari shall be obtained

under the sanction of a judge of the Superior Court of Habersham County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Section 4-6. With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. The rules and regulations made or adopted shall be filed with the city clerk and shall be available for public inspection.

CHAPTER 5

Elections

Section 5-1. All elections for mayor and council members of the City of Baldwin shall be held and conducted in accordance with the provisions of Chapter 3 of Title 21 of the O.C.G.A., known as the "Georgia Municipal Election Code," except that:

(1) Pursuant to the authority of Code Section 21-3-95 of the O.C.G.A., elections for mayor and council members shall be nonpartisan and there shall be no municipal primary elections; and

(2) Pursuant to the authority of Code Section 21-3-407 of the O.C.G.A., elections for mayor and council members shall be by plurality vote.

Section 5-2. (a) Elections for the City of Baldwin shall be held annually on the second Wednesday in December.

(b) The term of office of the mayor and council members shall be for two years and until successors are elected and qualified. Officers elected at the annual city

election shall take office at the first regular meeting of the city council in January following the election. Successors shall be elected at the annual election next preceding the expiration of terms of office.

(c) The mayor and council members in office on the effective date of this Act shall continue to serve for the terms for which they were elected and until successors are elected and qualified.

Section 5-3. In the event of a vacancy in the office of mayor or a council member for any reason, the city council shall order a special election to fill the vacancy, except that if the vacancy occurs within 90 days of the expiration of the term of office, the city council shall appoint a successor to fill the vacancy for the unexpired term. Any person elected to fill a vacancy shall serve for the remainder of the unexpired term of office.

Section 5-4. (a) The provisions of this section shall be in addition to any other provisions of law for removal or suspension of members of the city council.

(b) The mayor or any council member who is indicted for a felony in the courts of this state or the United States shall be suspended without pay pending final determination of the case. If the mayor or a council member is convicted of a felony in the courts of this state or the United States, such officer shall by operation of law be removed from office on the date the conviction becomes final. If a case is finally determined without a conviction, the suspended officer shall be reinstated and shall receive all salary to which the officer would otherwise have been entitled during such suspension. For the purposes of this subsection, the acceptance of a plea of nolo contendere shall constitute a conviction.

(c) The mayor may be removed from office for any of the causes listed in this subsection by unanimous vote of all members of the council. Any other council member may be removed from office for any of the causes listed in this subsection by unanimous vote of all other members of the council and concurrence of the mayor. Prior to removal under this subsection, the officer to be removed shall have a right to written notice of the grounds for removal and a hearing before the city council. Any officer so removed may bring a de novo action in superior court for review of the existence of grounds for removal. Grounds for removal under this subsection shall include:

- (1) Misfeasance or malfeasance in office;
- (2) Failure to reside in the city;
- (3) Abandonment of office or willful neglect to perform the duties of the office; or
- (4) Permanent medical disability to perform the duties of the office.

CHAPTER 6

Powers

Section 6-1. The city council may impose an ad valorem tax on all tangible real and personal property within the corporate limits of the city that is subject to ad valorem taxation by the state.

Section 6-2. The city council may impose such occupational and business taxes as are not prohibited by general state law.

Section 6-3. The city council may impose a system of regulatory occupational and business licensing in any

manner not prohibited by general state law; and the city council may require the payment of regulatory license fees for licenses so issued.

Section 6-4. The city council may provide for the granting of franchises for the use of the city's streets and rights of way; but no such franchise shall be granted for a period in excess of 35 years and no such franchise shall be granted unless the city receives just and adequate compensation therefor.

Section 6-5. The city council may provide for the imposition of service fees for any services provided by the city.

Section 6-6. The city council may provide in any reasonable manner for the assessment of the costs of construction and improvement of streets, roads, sidewalks, curbs, gutters, sewers, and utility mains and appurtenances against the owners of abutting property.

Section 6-7. The city council may impose any other form of taxation allowed by general state law.

Section 6-8. The city council by ordinance may provide generally for the administration of municipal taxes, fees, and licenses and for the collection of unpaid taxes, fees, and assessments by any reasonable means not precluded by general state law.

Section 6-9. No contract with the city shall be binding on the city unless the contract is in writing, is signed after review by the city attorney, and is approved by

the city council, with such council approval entered on the council journal.

Section 6-10. (a) The city council may sell or convey any real or personal property owned or held by the city for governmental or other purposes as provided by general state law.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon a determination by the council that the property is not needed for public purposes and has no readily ascertainable money value.

CHAPTER 7

Miscellaneous

Section 7-1. The corporate limits of the city of Baldwin as of the effective date of this Act shall be as provided in the act granting a new charter for the Town of Baldwin, approved August 3, 1923 (Ga. L. 1923, p. 448); plus all annexations carried out pursuant to the authority of Code Section 36-36-2 of the O.C.G.A., as more fully shown according to the records filed with the office of the Secretary of State of Georgia, through January 1, 1986, and as more particularly shown by a city map prepared by Rindt-McDuff Associates, Inc., dated March 1985, and on file in the office of the clerk of the City of Baldwin.

Section 7-2. All existing ordinances, resolutions, rules, and regulations of the city which are not directly in conflict with this shall continue in effect. The ongoing government of the city as of the effective date of

this Act shall continue unchanged except to the extent this Act expressly requires otherwise. All existing legal rights and obligations of the city shall continue under this Act.

Section 7-3. An Act incorporating and providing a new charter for the Town of Baldwin, approved August 3, 1923 (Ga. L. 1923, p. 448), as amended by an Act approved February 5, 1953 (Ga. L. 1953, Jan.-Feb. Sess., p. 2158), an Act approved March 21, 1968 (Ga. L. 1968, p. 2400), and an Act approved March 27, 1972 (Ga. L. 1972, p. 2794), is repealed in its entirety.

Section 7-4. All laws and parts of laws in conflict with this Act are repealed.

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BOOK PAGE RECORDED
CLERK OF SUPERIOR COURT

PUBLISHED 9-23-1997

PUBLISHED 9-30-1997

PUBLISHED 10-7-1997

FIRST READING 10-13-1997

PASSED 11-10-1997

AN ORDINANCE NO. **0029-1002-11-97**

AN ORDINANCE TO AMEND THE CITY CHARTER OF THE CITY OF BALDWIN, GEORGIA, PURSUANT TO O.C.G.A. §§ 36-35-3 AND 36-35-6, TO INCREASE THE FINES AND PENALTIES THAT MAY BE ASSESSED FOR A VIOLATION OF CITY ORDINANCES, EXCEPT AS OTHERWISE PROVIDED BY GENERAL LAW PROMULGATED BY THE GEORGIA GENERAL ASSEMBLY; TO PROVIDE THAT THE PUNISHMENT FOR A VIOLATION OF ANY ORDINANCE OF THE CITY WHERE SUCH PUNISHMENT HAS NOT BEEN SET BY GENERAL LAW PROMULGATED BY THE GEORGIA GENERAL ASSEMBLY SHALL NOT EXCEED A FINE OF \$1,000.00, OR CONFINEMENT IN EXCESS OF SIX MONTHS, OR BOTH; TO PROVIDE THAT THE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF BALDWIN, GEORGIA, IN THE JUDGE'S DISCRETION, MAY FIX PUNISHMENT FOR VIOLATIONS OF ORDINANCES WHERE THE PUNISHMENT HAS NOT BEEN MADE THEREFORE BY GENERAL LAW PROMULGATED BY THE GEORGIA GENERAL ASSEMBLY, UP TO THE MAXIMUM ALLOWED BY THE CITY CHARTER, AND INCLUSIVE OF PUNISHMENTS FOR CONTEMPT; TO REPEAL CONFLICTING PROVISIONS OF THE CHARTER; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia, is authorized by O.C.G.A. § 36-35-3 and 36-35-6, to enact an Ordinance which amends the City Charter and establishes the punishment for violation of ordinances of the City of Baldwin where no punishment has been made therefore by general law promulgated by the Georgia General Assembly; and

WHEREAS, in order to require proper compliance with the ordinances of the City of Baldwin by persons subject to said ordinances, the City Council finds that it is appropriate to amend the City Charter to provide a maximum possible punishment

for violation of ordinances of the City where no punishment has been made therefore by general law promulgated by the Georgia General Assembly.

WHEREAS, the City Council further finds, that in order to assist the Judge of the Municipal Court of the City of Baldwin, Georgia, to maintain order within the courtroom, of the Municipal Court of the City of Baldwin, Georgia, that the Municipal Court shall have the authority to punish those in its presence for contempt, up to the possible maximums allowed by this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Baldwin, Georgia, and it is hereby ordained by the authority of same, as follows:

Section 1. AMENDMENT OF SECTION 2-12. OF THE CITY CHARTER.

Section 2-12. of the City Charter of the City of Baldwin, Georgia, is hereby amended, by adding the following subparagraph (d) which shall read as follows:

(d) The violation of any ordinance of the City of Baldwin, Georgia, where the punishment for said violation has not been set by general law promulgated by the Georgia General Assembly, shall not exceed a maximum fine of \$1,000.00 or confinement in excess of six months, or both. However, the City of Baldwin, Georgia, through ordinances promulgated by the City Council of the City of Baldwin, Georgia, are hereby authorized to provide, and may provide, that each day that a person is in violation of a City ordinance, that each such day as the person continues in violation of the ordinance, shall be deemed a separate violation of the ordinance, and subject the person to

the maximum penalties allowed pursuant to this subsection of the City Charter for each separate violation (where the punishment is not set by general law promulgated by the Georgia General Assembly). As used within this subsection of the City Charter, the term, "person", shall include all legal entities, including but not limited to, natural persons, corporations, legal partnerships, limited liability entities and all other entities legally recognized under Georgia law.

Section 2. AMENDMENT OF SECTION 4-4. OF THE CITY CHARTER.

Section 4-4. of the City Charter of the City of Baldwin, Georgia, is hereby amended, by striking in its entirety subsections (b) and (c), and substituting in lieu thereof the following subsections (b) and (c) which shall read as follows:

(b) The Municipal Court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$1,000.00 or six months in jail, or both.

(c) The Judge of the Municipal Court of the City of Baldwin, Georgia, in the Judge's discretion, may fix punishment for violations of all City ordinances or for offenses within its jurisdiction, where the punishment is not set by general law promulgated by the Georgia General Assembly, as provided by Section 2-12.(d) of the City Charter and with the punishment not exceeding a fine of \$1,000.00 or imprisonment in excess of six months, or both, for each separate violation of the ordinance or the offense.

Section 3. EFFECTIVE DATE.

This Ordinance is hereby adopted upon passage, to become effective upon filing with the Georgia Secretary of State and in the office of the Clerk of the Habersham County Superior Court pursuant to O.C.G.A. § 36-35-5.

Section 4. REPEAL OF CONFLICTING PROVISIONS.

The provisions of the Charter of the City of Baldwin, Georgia, and the provisions of all ordinances of the City of Baldwin, Georgia, that are in conflict with the maximum punishments allowed by this Ordinance, are repealed to the extent of the conflict. It is the intent of the City Council for the City of Baldwin, Georgia, that any person that violates any ordinance enacted prior to the effective date of this Charter Amendment, shall be subject to the punishment allowed by this Charter Amendment, up to the maximums allowed by this Charter Amendment, so long as said violations occur after the effective date of this Charter Amendment.

This 10 day of November, 1997.

BALDWIN CITY COUNCIL

By:

Munk C. Reed
Mayor

Robert Bahamno
Councilperson

John Thomas
Councilperson

William Thomas
Councilperson

Jeff Bohannon
Councilperson

Councilperson

Attest:

Clayton Shumond
City Clerk

PUBLISHED _____

PUBLISHED _____

PUBLISHED _____

FIRST READING 4/12/99

PASSED 5/10/99

AN ORDINANCE NO. 0029-31

AN ORDINANCE TO AMEND THE CITY CHARTER OF THE CITY OF BALDWIN, GEORGIA, TO INCREASE THE SALARIES FOR THE MAYOR AND COUNCILMEMBERS PURSUANT TO O.C.G.A. § 36-35-4; TO PROVIDE A SALARY FOR THE MAYOR OF \$125.00 PER CITY COUNCIL MEETING FOR EACH MEETING ATTENDED; TO PROVIDE A SALARY FOR EACH COUNCILMEMBER OF \$75.00 PER CITY COUNCIL MEETING FOR EACH MEETING ATTENDED; TO DEFINE MEETINGS THAT QUALIFY AS CITY COUNCIL MEETINGS; TO REPEAL CONFLICTING PROVISIONS OF THE CHARTER AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia, is authorized by O.C.G.A. § 36-35-4, to enact an Ordinance setting the salary for the Mayor and each Councilmember of the City Council and

WHEREAS, the proper administration of the City necessitates a sacrifice of time and effort, for which, the Mayor and each Councilmember should be partially compensated;

NOW, THEREFORE, be it ordained by the City Council of the City of Baldwin, Georgia, and it is hereby ordained by the authority of same, as follows:

Section 1. AMENDMENT OF SECTION 2-6 OF THE CITY CHARTER.

Section 2-6 of the City Charter (Ga.L. 1986, p. 5598) is hereby amended, by adding the following subparagraph (d) to said section which shall read as follows:

(d) In accordance with Section 2.6.(c), the salary for Mayor of the City of Baldwin, Georgia shall be set at \$125.00 per City Council meeting for each meeting attended by the Mayor. The salary for each Councilmember of the City of Baldwin, Georgia shall be set at \$75.00 per City Council meeting for each meeting attended by the Councilmember. As used within this Ordinance, the term, "City Council meeting" shall include but not be limited to, each meeting of the City Council of the City of Baldwin, Georgia, including each regularly scheduled meeting, each emergency meeting, each work session, and each specially called meeting of the City Council of the City of Baldwin, Georgia. Further, should a City Council meeting continue for or occur on two or more days, then the salary provided herein shall be paid for each day of the meeting.

Section 2. EFFECTIVE DATE.

The Ordinance is hereby adopted and effective upon passage, with the salary increase to become effective upon the first day of January, 2000, the public health, safety, and general welfare demanding it.

Section 3. REPEAL OF CONFLICTING ORDINANCES.

The Charter and all Ordinances that are in conflict with this Ordinance, are repealed to the extent of the conflict.

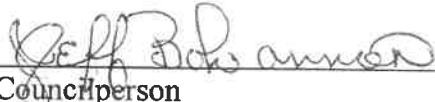
BALDWIN CITY COUNCIL


By: Mark C. Reed
Mayor

Robert Bohannon
Councilperson

John Thomas
Councilperson


Councilperson


Councilperson


Councilperson

Attest:


City Clerk

PUBLISHED 4/20/99

PUBLISHED 4/27/99

PUBLISHED 5/4/99

FIRST READING 5/10/99

PASSED 6/14/99

AN ORDINANCE NO. 0029-33

AN ORDINANCE TO AMEND THE CITY CHARTER OF THE CITY OF BALDWIN, GEORGIA, TO ESTABLISH THE REGULARLY SCHEDULED MONTHLY MEETINGS OF THE CITY COUNCIL; TO PROVIDE THAT THE CITY COUNCIL SHALL HOLD TWO REGULAR MONTHLY MEETINGS ON THE SECOND AND FOURTH MONDAY IN EACH MONTH; TO PROVIDE THAT ONE OR MORE WORK SESSIONS OF THE CITY COUNCIL, AT WHICH OFFICIAL BUSINESS OR POLICY OF THE CITY IS TO BE DISCUSSED OR PRESENTED, MAY BE CALLED EACH MONTH BY THE MAYOR OR BY ANY TWO MEMBERS OF THE CITY COUNCIL; TO PROVIDE THE PROCEDURE FOR THE CALLING OF A SPECIAL MEETING OF THE CITY COUNCIL AND THE NOTICE THAT MUST BE GIVEN REGARDING SAID SPECIAL MEETING; TO REPEAL CONFLICTING PROVISIONS OF THE CHARTER; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia, is authorized by O.C.G.A. § 36-35-3 to enact a home-rule ordinance to amend the City Charter of the City of Baldwin as appropriate;

WHEREAS, the proper administration of the City due to the growth of the City and the resulting increase in administrative needs of the City necessitates that the City Council have two regularly scheduled monthly meetings of the City Council in each month to take official action, as well as work sessions of the City Council, as needed, in order to have discussion and presentation of official business or policy of the City; and

WHEREAS, due to the administrative needs of the City, from time to time, the City Council finds that it would be appropriate for the City Council to call a special meeting in order to meet the needs of the City, and that the procedure of calling a special meeting should be consistent with the "Open Meetings Act" (being O.C.G.A. § 50-14-1, et seq., as amended);

NOW, THEREFORE, be it ordained by the City Council of the City of Baldwin, Georgia, pursuant to O.C.G.A. § 36-35-3, and it is hereby ordained by the authority of same, as follows:

SECTION 1. AMENDMENT OF SECTION 2-6 OF THE CITY CHARTER.

Section 2-6 of the City Charter (Ga.L. 1986, p. 5598) is hereby amended, by striking in their entirety, subparagraphs (a) and (b), and substituting in lieu thereof, the following new subparagraphs (a) and (b), which shall read as follows:

Section 2-6. (a) The City Council shall hold two regular monthly meetings on the first Monday and fourth Monday in each month at 7:00 p.m., or for any particular or all of such meetings at such other hour as may be established by public resolution of the City Council at a prior regular public monthly meeting of the City Council. In order to efficiently and properly administratively handle the official business or policy of the City, one or more work sessions may be called each month by the Mayor or by any two members of the City Council, in order to discuss or have presented official business or policy of the City, but at which meeting, no official action is to be taken. Actual notice of the work session shall be given in person or by telephone to each member of the Council at least 24 hours in advance of the work session. Such notice may be waived, and attendance at the work session shall constitute a waiver of the notice.

(b) A special meeting of the City Council may be called by the Mayor or by any two members of the City Council. Actual notice of a special meeting shall be given in person or by telephone to each member of the Council at least 24 hours in advance of the meeting, except in

the event of special circumstances which necessitate a meeting in under 24 hours' notice. Such notice may be waived, and attendance at the special meeting shall constitute a waiver of the notice. Only the business stated in the call may be transacted at a special meeting. The Mayor or Councilmembers calling a special meeting shall take all reasonably possible steps to inform the public of the meeting, which steps shall include at a minimum the posting of a written notice for at least 24 hours (except in the event of special circumstances) at the place of regular meetings and giving of written or oral notice at least 24 hours (except in the event of special circumstances) in advance of the special meeting to the legal organ in which notices of Sheriff's sales are published in Habersham County, or at the option of the persons calling the special meeting, to a newspaper having a general circulation in Habersham County at least equal to that of the legal organ. When special circumstances occur and are so declared by the City Council, the City Council may hold a meeting with less than 24 hours' notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances including notice to the legal organ of Habersham County, or a newspaper having a general circulation in Habersham County at least equal to that of the legal organ, in which event the reason for holding the special meeting within 24 hours and the nature of the notice shall be recorded in the minutes. Any oral notice required or permitted by this subparagraph may be given by telephone. No provision of this home-rule ordinance shall be construed as a waiver by the City Council of, or a deletion of, the various exceptions to the "Open Meetings Act," being O.C.G.A. § 50-14-1 et seq., as amended, and the general law, as amended, providing for said exceptions and which shall be in full force and effect.

SECTION 2. EFFECTIVE DATE.

This home-rule ordinance is hereby adopted and effective upon passage by the City Council of the City of Baldwin, Georgia, the public health, safety and general welfare demanding it.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES.

The Charter and all ordinances, or any parts thereof, that are in conflict with this home-rule ordinance, are repealed to the extent of the conflict.

BALDWIN CITY COUNCIL

By: Mark C. Reed
Mayor

Deloris Thomas
Councilperson

Jeff Bohannon
Councilperson

Robert Bohannon
Councilperson

John Thomas
Councilperson

Michael Gailly
Councilperson

Attest:

Alyson Jones
City Clerk

PUBLISHED June 28, 2005

PUBLISHED July 5, 2005

PUBLISHED July 12, 2005

FIRST READING July 11, 2005

PASSED 7/25/05

AN ORDINANCE NO. 0029-103

AN ORDINANCE TO AMEND THE CITY CHARTER OF THE CITY OF BALDWIN, GEORGIA, TO INCREASE THE SALARIES FOR THE MAYOR AND COUNCILMEMBERS PURSUANT TO O.C.G.A. § 36-35-4; TO PROVIDE A SALARY FOR THE MAYOR OF \$150.00 PER CITY COUNCIL MEETING FOR EACH MEETING ATTENDED; TO PROVIDE A SALARY FOR EACH COUNCILMEMBER OF \$100.00 PER CITY COUNCIL MEETING FOR EACH MEETING ATTENDED; TO DEFINE MEETINGS THAT QUALIFY AS CITY COUNCIL MEETINGS; TO REPEAL CONFLICTING PROVISIONS OF THE CHARTER AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia, is authorized by O.C.G.A. § 36-35-4, to enact an Ordinance setting the salary for the Mayor and each Councilmember of the City Council and

WHEREAS, the proper administration of the City necessitates a sacrifice of time and effort, for which, the Mayor and each Councilmember should be partially compensated;

NOW, THEREFORE, be it ordained by the City Council of the City of Baldwin, Georgia, and it is hereby ordained by the authority of same, as follows:

Section 1. AMENDMENT OF SECTION 2-6 OF THE CITY CHARTER.

Section 2-6 of the City Charter (Ga.L. 1986, p. 5598) is hereby amended, by adding the following subparagraph (d) to said section which shall read as follows:

(d) In accordance with Section 2.6.(c), the salary for Mayor of the City of Baldwin, Georgia shall be set at \$150.00 per City Council meeting for each meeting attended by the Mayor. The salary for each Councilmember of the City of Baldwin, Georgia shall be set at \$100.00 per City Council meeting for each meeting attended by the Councilmember. As used within this Ordinance, the term, "City Council meeting" shall include but not be limited to, each meeting of the City Council of the City of Baldwin, Georgia, including each regularly scheduled meeting, each emergency meeting, each work session, and each specially called meeting of the City Council of the City of Baldwin, Georgia. Further, should a City Council meeting continue for or occur on two or more days, then the salary provided herein shall be paid for each day of the meeting.

Section 2. EFFECTIVE DATE.

The Ordinance is hereby adopted and effective upon passage, with the salary increase to become effective upon the first day of January, 2006, the public health, safety, and general welfare demanding it.

Section 3. REPEAL OF CONFLICTING ORDINANCES.

The Charter and all Ordinances that are in conflict with this Ordinance, are repealed to the extent of the conflict.

BALDWIN CITY COUNCIL

By: Munka Reed
Mayor

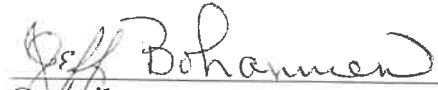
Mitchell
Councilperson



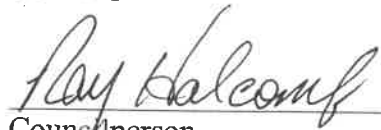
Councilperson



Councilperson




Councilperson



Councilperson

Attest:


City Clerk

PASSED: January 9, 2012

A RESOLUTION NO. 0029-212

A RESOLUTION PURSUANT TO SECTION 2-6(a) OF THE BALDWIN CITY CHARTER TO ESTABLISH THE TIME OF THE PUBLIC WORK SESSION AND FOR THE MONTHLY REGULAR COUNCIL MEETINGS TO BE AT 6:30 P.M. FOR EACH OF SAID MEETINGS, UNLESS CHANGED BY A PUBLIC RESOLUTION OF THE CITY COUNCIL AT A PRIOR REGULAR PUBLIC MONTHLY MEETING OF THE CITY COUNCIL; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia, pursuant to O.C.G.A. § 36-35-3, enacted a Home Rule Ordinance to amend the City Charter of the City of Baldwin, on June 14, 1999, and which provided that the City Council by a public resolution of the City Council at a prior regular public monthly meeting of the City Council could establish the meeting times for the work sessions and the regular public monthly meetings of the City Council; and

WHEREAS, the City Council of the City of Baldwin, Georgia, finds that it is appropriate to set the meeting time for the regularly scheduled monthly work session of the City Council and the regularly scheduled monthly meetings of the City Council to begin at 6:30 p.m. on the meeting dates, unless further changed by another public resolution of the City Council at a prior regular public monthly meeting of the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Baldwin, Georgia pursuant to Section 2-6(a) of the Baldwin City Charter, and it is hereby resolved by the authority of the same, as follows:

SECTION 1.

**ESTABLISHMENT OF THE MEETING TIME FOR THE
WORK SESSIONS AND PUBLIC MEETINGS OF THE
CITY COUNCIL.**

The City Council pursuant to the City Charter holds two regular monthly meetings on the second Monday and the fourth Monday of each month, and a regularly scheduled work session each month being on the Thursday which precedes the second Monday of each month. The City Council does hereby establish that the meeting times for said work sessions and monthly meetings shall all be at 6:30 p.m., unless another time shall be established by public resolution of the Baldwin City Council at a prior regular public monthly meeting of the City Council. Therefore, from time to time, the Baldwin City Council by resolution may establish another meeting time for specific meetings as is required by the administrative needs of the City of Baldwin, Georgia.

SECTION 2.

EFFECTIVE DATE.

The established time of 6:30 p.m. for regularly scheduled work sessions and regularly scheduled public meetings of the City Council of the City of Baldwin, Georgia shall go into effect on the 1 day of February, 2012, and be applicable for the first time for the meeting of the Baldwin City Council to be held on the 9 day of February, 2012.

SO RESOLVED, this 9th day of January, 2012.

BALDWIN CITY COUNCIL

By: Jerry Neace
Mayor Jerry Neace

[Signature]
Councilperson



Councilperson




Councilperson



Councilperson

Councilperson

Attest:


Mirinda Dispain, City Clerk

1825/W138077

APPROVED: May 14, 2012

ADMINISTRATIVE POLICY
NO. 0029-218

AN ADMINISTRATIVE POLICY BY THE MAYOR AND COUNCIL OF THE CITY OF BALDWIN, GEORGIA, TO ESTABLISH A CITY ADMINISTRATOR; TO PROVIDE THAT THE MAYOR REMAINS THE CHIEF EXECUTIVE OF THE CITY OF BALDWIN, GEORGIA; TO ESTABLISH THE OFFICE OF CITY ADMINISTRATOR; TO PROVIDE THAT THE MAYOR SHALL DELEGATE CERTAIN EXECUTIVE AND ADMINISTRATIVE POWERS TO THE CITY ADMINISTRATOR; TO PROVIDE FOR THE DUTIES OF THE CITY ADMINISTRATOR; TO PROVIDE THAT IN THE EVENT OF A CONFLICT BETWEEN THIS ADMINISTRATIVE POLICY AND THE CITY CHARTER, THAT THE CITY CHARTER SHALL CONTROL; AND FOR OTHER PURPOSES.

WHEREAS, under Section 2-13 of the City Charter, the Mayor is the Chief Executive of the City of Baldwin, Georgia;

WHEREAS, under Section 2-13 of the City Charter, the Mayor has the authority, subject to the direction of the City Council, to delegate any one or more executive or administrative powers to a person or persons employed by the City or involved in the administration of the City, including but not limited to the Councilmembers of the City Council; and

WHEREAS, the Mayor and the City Council of the City of Baldwin, Georgia, finds that it is appropriate for the efficient and effective operations of the City of Baldwin, Georgia, to establish this administrative policy, which delegates certain executive or administrative powers to the City Administrator of the City of Baldwin, Georgia, and authorize the Mayor to establish administrative oversight of the departments of the City.

NOW, THEREFORE, BE IT ESTABLISHED, and it is hereby established by authority of Section 2-13 of the City Charter, an administrative policy for the City of Baldwin, Georgia as follows:

SECTION 1. CHIEF EXECUTIVE OFFICER.

Pursuant to Section 2-13 of the City Charter, the Mayor is the Chief Executive of the City of Baldwin, Georgia, and under this administrative policy, the Mayor shall remain as the Chief Executive of the City. The Mayor shall possess all of the executive and administrative powers granted to the City Mayor under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained within the Charter. Pursuant to Section 2-13 of the City Charter, the Mayor has the authority to delegate any one or more executive or administrative duties to a person or persons employed by the City regarding the supervision and administration of the affairs of the City. The Mayor and Council hereby find that this administrative policy is necessary for the efficient and effective administration of the affairs of the City, and the Mayor retains the right and power at any time to change this administrative policy, after consultation with the City Council. In the event of a conflict between this administrative policy, and the provisions of the City Charter, then the provisions of the City Charter shall control over this administrative policy.

**SECTION 2. CITY ADMINISTRATOR FOR THE CITY OF
BALDWIN, GEORGIA.**

The Mayor of the City of Baldwin, Georgia, does hereby delegate the day-to-day administrative duties in conducting the affairs of the City to the City Administrator, but subject to the direction and the supervision of the Mayor. The City Administrator shall be responsible to

the Mayor for the proper administration of all affairs of the City on a day-to-day basis. The City Administrator shall have the power to recommend appointment and recommend removal of all officers, department heads, and employees in the administrative service of the City except not including the City Clerk, the City Engineer, the City Attorney, the City Judge, the City Auditor and the City Accountant. All officers, department heads, and employees shall be administratively responsible to the City Administrator except the City Clerk, City Auditor, City Accountant, City Engineer, City Attorney and the City Judge who shall be appointed or removed by the City Council. The Mayor can modify any personnel decision made by the City Administrator. It shall be the duty of the City Administrator to supervise the administration of the day-to-day affairs of the City, to see that the ordinances, resolutions, and regulations of the City Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the Mayor concerning the affairs of the City as he or she shall deem expedient; to keep the City Council and Mayor advised of the financial condition and future financial needs of the City; to attend all meetings of the City Council; to prepare and submit to the City Council and Mayor such reports as may be deemed expedient or as may be required by the City Council and Mayor. The City Administrator shall perform such other functions as assigned to him or her by the Mayor and/or the City Council. The City Administrator of the City, with the approval of the Mayor, may delegate such duties as the purchasing agent, the personnel officer, and the finance officer of the City of Baldwin. The City Administrator shall have responsibility for preparing and implementing the budget following budgetary review and adoption by the Council in regular meeting. All department heads shall be administratively accountable to the City Administrator. All department heads or other agents (City Clerk, City Engineer, City Attorney, City Judge, City Accountant, City Auditor, etc.) employed by the

legislative body (Mayor and City Council) shall be administratively communicative with the City Administrator. The City Administrator shall seek unanimous approval from the Mayor and the City Council for all media releases except those releases that are subject to the Open Records Act of Georgia.

**SECTION 3. SUPERVISION OF THE CITYADMINISTRATOR
BY THE MAYOR**

The Mayor, as Chief Executive of the City of Baldwin, Georgia, shall supervise the administration of the City by the City Administrator, including but not limited to the following:

- (1) Supervise the City Administrator to see that all laws and ordinances of the City are faithfully executed;
- (2) Review and approve the recommendation of appointment or recommendation of removal by the City Administrator of all officers, department heads, and employees of the City except as otherwise provided in this administrative policy; the Mayor's authority to appoint shall be subject to the direction of the City Council; the Mayor's authority to remove can be invalidated by an action of the City Council pursuant to Section 2-14 (b) of the City Charter.
- (3) Exercise supervision over the City Administrator's preparation and submission to the Council a recommended annual operating budget and recommended capital budget;
- (4) Ensure that the City Administrator shall submit to the Council at least quarterly a statement covering the financial conditions of the City and from time-to-time such other information as the Mayor and City Council may request;
- (5) Delegate such other executive or administrative duties, in the Mayor's discretion, to the City Administrator of the City, as the Mayor deems expedient for the proper operations of the City.

(6) The Mayor shall coordinate and conduct an annual employment review of the City Administrator, as part of the city's personnel policy, and present the review to the City Council.

SECTION 4. ABILITY TO MODIFY THIS ADMINISTRATIVE POLICY.


Pursuant to Section 2-13 of the City Charter, the Mayor has established this administrative policy, which has also been agreed to and approved by the City Council, but the Mayor as the Chief Executive of the City of Baldwin, Georgia, subject to the direction of the City Council, retains the right to modify or change this administrative policy in any way, or at any time, as deemed necessary in the absolute discretion of the Mayor.

SECTION 5. EFFECTIVE DATE.

This administrative policy shall go into effect upon approval by the Mayor and Council of the City of Baldwin, Georgia, and with that date as set out herein this administrative policy.


This administrative policy is approved as of this 14 day of May, 2012 pursuant to Section 2-13 of the City Charter of the City of Baldwin, Georgia. [Ga.L. 1986 p. 5582; as amended].


MAYOR OF THE CITY OF
BALDWIN, GEORGIA

By:  (SEAL)
Honorable Jerry Neace

Approved and confirmed by the City Council of the City of Baldwin, Georgia.


Councilmember


Councilmember


Councilmember


Councilmember

Councilmember

Attest:

 (SEAL)
City Clerk

1825/W141261

ADMINISTRATIVE POLICY #2020-1268P

AN ADMINISTRATIVE POLICY BY THE MAYOR AND COUNCIL OF THE CITY OF BALDWIN, GEORGIA, TO AUTHORIZE THE CITY CLERK TO OPERATE AS CHIEF ADMINISTRATIVE OFFICER; TO PROVIDE THAT THE MAYOR REMAINS THE CHIEF EXECUTIVE OF THE CITY OF BALDWIN, GEORGIA; TO PROVIDE THAT THE MAYOR SHALL DELEGATE CERTAIN EXECUTIVE AND ADMINISTRATIVE POWERS TO THE CITY CLERK; TO PROVIDE FOR THE DUTIES OF THE CITY CLERK; TO ESTABLISH THE ROLE OF THE FINANCE DIRECTOR; TO PROVIDE THAT IN THE EVENT OF A CONFLICT BETWEEN THIS ADMINISTRATIVE POLICY AND THE CITY CHARTER, THAT THE CITY CHARTER SHALL CONTROL; AND FOR OTHER PURPOSES.

WHEREAS, under Section 2-13 of the City Charter, the Mayor is the Chief Executive of the City of Baldwin, Georgia;

WHEREAS, under Section 2-13 of the City Charter, the Mayor has the authority, subject to the direction of the City Council, to delegate any one or more executive or administrative powers to a person or persons employed by the City or involved in the administration of the City, including but not limited to the Councilmembers of the City Council; and

WHEREAS, the Mayor and the City Council of the City of Baldwin, Georgia, finds that it is appropriate for the efficient and effective operations of the City of Baldwin, Georgia, to establish this administrative policy.

NOW, THEREFORE, BE IT ESTABLISHED, and it is hereby established by authority of Section 2-13 of the City Charter, an administrative policy for the City of Baldwin, Georgia as follows:

SECTION 1. CHIEF EXECUTIVE OFFICER.

Pursuant to Section 2-13 of the City Charter, the Mayor is the Chief Executive of the City of Baldwin, Georgia, and under this administrative policy, the Mayor shall remain as the Chief Executive of the City. The Mayor shall possess all of the executive and administrative powers granted to the City Mayor under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained within the Charter. Pursuant to Section 2-13 of the City Charter, the Mayor has the authority to delegate any one or more executive or administrative duties to a person or persons employed by the City regarding the supervision and administration of the affairs of the City. The Mayor and Council hereby find that this administrative policy is necessary for

the efficient and effective administration of the affairs of the City, and the Mayor retains the right and power at any time to change this administrative policy, after consultation with the City Council. In the event of a conflict between this administrative policy, and the provisions of the City Charter, then the provisions of the City Charter shall control over this administrative policy.

SECTION 2. CITY CLERK FOR THE CITY OF BALDWIN, GA.

The Mayor of the City of Baldwin, Georgia, does hereby delegate the day-to-day administrative duties in conducting the affairs of the City to the City Clerk as chief administrative officer, but subject to the direction and the supervision of the Mayor and Council. The City Clerk shall be responsible to the Mayor for the proper administration of all affairs of the City on a day-to-day basis. The City Clerk shall have the power to recommend appointment and recommend removal of all officers, department heads, and employees in the administrative service of the City except not including the City Engineer, the City Attorney, and the City Judge. All officers, department heads, and employees shall be administratively responsible to the City Clerk except City Engineer, the City Attorney, and the City Judge who shall be appointed or removed by the City Council. The Mayor can modify any personnel decision made by the City Clerk. It shall be the duty of the City Clerk to supervise the administration of the day-to-day affairs of the City, to see that the ordinances, resolutions, and regulations of the City Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the Mayor concerning the affairs of the City as he or she shall deem expedient; to keep the City Council and Mayor advised of the financial condition and future financial needs of the City; to attend all meetings of the City Council; to prepare and submit to the City Council and Mayor such reports as may be deemed expedient or as may be required by the City Council and Mayor. The City Clerk shall perform such other functions as assigned to him or her by the Mayor and/or the City Council. The City Clerk, with the approval of the Mayor, may delegate such duties as purchasing, personnel, and finance for the City of Baldwin. City Clerk shall work cooperatively with the Finance Director to ensure the annual budget is prepared for Mayor and Council Approval. All department heads shall be administratively accountable to the City Clerk. All department heads or other agents (City Engineer, the City Attorney, and the City Judge.) employed by the legislative body (Mayor and City Council) shall work cooperatively with the City Clerk. The City Clerk shall seek approval from the Mayor for all media releases except those releases that are subject to the Open Records Act of Georgia.

SECTION 3. SUPERVISION OF THE CITY CLERK BY THE MAYOR

The Mayor, as Chief Executive of the City of Baldwin, Georgia, shall supervise the administration of the City by the City Clerk, including but not limited to the following:

- (1) Supervise the City Clerk to see that all laws and ordinances of the City are faithfully executed;

(2) Review and approve the recommendation of appointment or recommendation of removal by the City Clerk of all officers, department heads, and employees of the City except as otherwise provided in this administrative policy; the Mayor's authority to appoint shall be subject to the direction of the City Council; the Mayor's authority to remove can be invalidated by an action of the City Council pursuant to Section 2-14 (b) of the City Charter.

(3) Exercise supervision over the City Clerk and Finance Directors' preparation and submission to the Council a recommended annual operating budget and recommended capital budget;

(4) Ensure that the City Clerk and Finance Director submit to the Council at least quarterly a statement covering the financial conditions of the City and from time-to-time such other information as the Mayor and City Council may request;

(5) Delegate such other executive or administrative duties, in the Mayor's discretion, to the City Clerk of the City, as the Mayor deems expedient for the proper operations of the City.

(6) The Mayor shall coordinate and conduct an annual employment review of the City Clerk, as part of the city's personnel policy, and present the review to the City Council. The annual employment review shall be conducted during the month of the employee's anniversary of hire date of each and every year.

SECTION 4. OFFICE OF FINANCE DIRECTOR FOR THE CITY OF BALDWIN, GA

Notwithstanding the delegation of authority set forth in Section 2 above, the Mayor and Council shall hire a City Finance Director upon the recommendation of the City Clerk. The Finance Director shall, at all times, be responsible directly to the City Clerk with regard to all ordinary and necessary services associated within the City. The Finance Director shall be responsible for the following:

(1) Managing the financial operations of the City and serving as the City's Budget Officer;

(2) Providing fiscal accountability and transparent stewardship of the public funds to the City directly through the management, monitoring and coordination of the various components of the City's budget;

(3) Advising City Clerk, Mayor, and Council regarding financial matters such as effective use of resources;

(4) Establishing department work plans, goals and objectives; providing direction and guidance to subordinate staff;

- (5) Providing for accounting compliance, budgeting, overseeing and directing annual audits, investment opportunities and debt administration;
- (6) Providing quarterly financial reports for Mayor and City Council review and monthly reports to the City Clerk, Mayor, and department heads;
- (7) Carrying out the general duties of a fiscal officer of the City and performing such other duties as may be provided by the governing body or the City Clerk;
- (8) Working with department heads to ensure oversight of proper grant administration and compliance with any applicable rules and regulations;
- (9) Attending all City Council Meetings where financial matters are discussed.
- (10) The Mayor shall coordinate and conduct an annual employment review of the City Finance Director with the City Clerk, as part of the city's personnel policy, and present the review to the City Council. The annual employment review shall be conducted during the month of the employee's anniversary of hire date of each and every year.

SECTION 5. ABILITY TO MODIFY THIS ADMINISTRATIVE POLICY.

Pursuant to Section 2-13 of the City Charter, the Mayor has established this administrative policy, which has also been agreed to and approved by the City Council, but the Mayor as the Chief Executive of the City of Baldwin, Georgia, subject to the direction of the City Council, retains the right to modify or change this administrative policy in any way, or at any time, as deemed necessary in the absolute discretion of the Mayor.

SECTION 6. EFFECTIVE DATE.

This administrative policy shall go into effect upon approval by the Mayor and Council of the City of Baldwin, Georgia, and with that date as set out herein this administrative policy.

This administrative policy is approved as of this ___ day of December, 2020 pursuant to Section 2-13 of the City Charter of the City of Baldwin, Georgia. Ga.L 1986p 5582; as amended]

MAYOR OF THE CITY OF BALDWIN, GA


Joe Elam

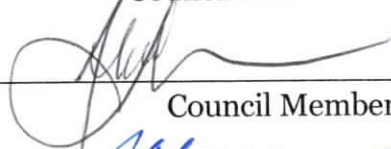
Approved and Confirmed by the City Council of the City of Baldwin, GA




Council Member Theron Ayers



Council Member Larry Lewallen

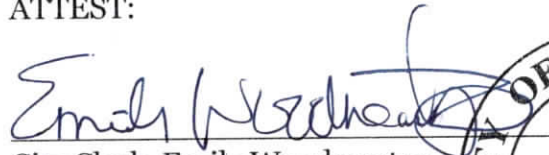


Council Member Alice Venter



Council Member Stephanie Almagno

ATTEST:



City Clerk, Emily Woodmaster



ADMINISTRATIVE POLICY #2020-1268P

AN ADMINISTRATIVE POLICY BY THE MAYOR AND COUNCIL OF THE CITY OF BALDWIN, GEORGIA, TO AUTHORIZE THE CITY CLERK TO OPERATE AS CHIEF ADMINISTRATIVE OFFICER; TO PROVIDE THAT THE MAYOR REMAINS THE CHIEF EXECUTIVE OF THE CITY OF BALDWIN, GEORGIA; TO PROVIDE THAT THE MAYOR SHALL DELEGATE CERTAIN EXECUTIVE AND ADMINISTRATIVE POWERS TO THE CITY CLERK; TO PROVIDE FOR THE DUTIES OF THE CITY CLERK; TO ESTABLISH THE ROLE OF THE FINANCE DIRECTOR; TO PROVIDE THAT IN THE EVENT OF A CONFLICT BETWEEN THIS ADMINISTRATIVE POLICY AND THE CITY CHARTER, THAT THE CITY CHARTER SHALL CONTROL; AND FOR OTHER PURPOSES.

WHEREAS, under Section 2-13 of the City Charter, the Mayor is the Chief Executive of the City of Baldwin, Georgia;

WHEREAS, under Section 2-13 of the City Charter, the Mayor has the authority, subject to the direction of the City Council, to delegate any one or more executive or administrative powers to a person or persons employed by the City or involved in the administration of the City, including but not limited to the Councilmembers of the City Council; and

WHEREAS, the Mayor and the City Council of the City of Baldwin, Georgia, finds that it is appropriate for the efficient and effective operations of the City of Baldwin, Georgia, to establish this administrative policy.

NOW, THEREFORE, BE IT ESTABLISHED, and it is hereby established by authority of Section 2-13 of the City Charter, an administrative policy for the City of Baldwin, Georgia as follows:

SECTION 1. CHIEF EXECUTIVE OFFICER.

Pursuant to Section 2-13 of the City Charter, the Mayor is the Chief Executive of the City of Baldwin, Georgia, and under this administrative policy, the Mayor shall remain as the Chief Executive of the City. The Mayor shall possess all of the executive and administrative powers granted to the City Mayor under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained within the Charter. Pursuant to Section 2-13 of the City Charter, the Mayor has the authority to delegate any one or more executive or administrative duties to a person or persons employed by the City regarding the supervision and administration of the affairs of the City. The Mayor and Council hereby find that this administrative policy is necessary for

the efficient and effective administration of the affairs of the City, and the Mayor retains the right and power at any time to change this administrative policy, after consultation with the City Council. In the event of a conflict between this administrative policy, and the provisions of the City Charter, then the provisions of the City Charter shall control over this administrative policy.

SECTION 2. CITY CLERK FOR THE CITY OF BALDWIN, GA.

The Mayor of the City of Baldwin, Georgia, does hereby delegate the day-to-day administrative duties in conducting the affairs of the City to the City Clerk as chief administrative officer, but subject to the direction and the supervision of the Mayor and Council. The City Clerk shall be responsible to the Mayor for the proper administration of all affairs of the City on a day-to-day basis. The City Clerk shall have the power to recommend appointment and recommend removal of all officers, department heads, and employees in the administrative service of the City except not including the City Engineer, the City Attorney, and the City Judge. All officers, department heads, and employees shall be administratively responsible to the City Clerk except City Engineer, the City Attorney, and the City Judge who shall be appointed or removed by the City Council. The Mayor can modify any personnel decision made by the City Clerk. It shall be the duty of the City Clerk to supervise the administration of the day-to-day affairs of the City, to see that the ordinances, resolutions, and regulations of the City Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the Mayor concerning the affairs of the City as he or she shall deem expedient; to keep the City Council and Mayor advised of the financial condition and future financial needs of the City; to attend all meetings of the City Council; to prepare and submit to the City Council and Mayor such reports as may be deemed expedient or as may be required by the City Council and Mayor. The City Clerk shall perform such other functions as assigned to him or her by the Mayor and/or the City Council. The City Clerk, with the approval of the Mayor, may delegate such duties as purchasing, personnel, and finance for the City of Baldwin. City Clerk shall work cooperatively with the Finance Director to ensure the annual budget is prepared for Mayor and Council Approval. All department heads shall be administratively accountable to the City Clerk. All department heads or other agents (City Engineer, the City Attorney, and the City Judge.) employed by the legislative body (Mayor and City Council) shall work cooperatively with the City Clerk. The City Clerk shall seek approval from the Mayor for all media releases except those releases that are subject to the Open Records Act of Georgia.

SECTION 3. SUPERVISION OF THE CITY CLERK BY THE MAYOR

The Mayor, as Chief Executive of the City of Baldwin, Georgia, shall supervise the administration of the City by the City Clerk, including but not limited to the following:

- (1) Supervise the City Clerk to see that all laws and ordinances of the City are faithfully executed;

(2) Review and approve the recommendation of appointment or recommendation of removal by the City Clerk of all officers, department heads, and employees of the City except as otherwise provided in this administrative policy; the Mayor's authority to appoint shall be subject to the direction of the City Council; the Mayor's authority to remove can be invalidated by an action of the City Council pursuant to Section 2-14 (b) of the City Charter.

(3) Exercise supervision over the City Clerk and Finance Directors' preparation and submission to the Council a recommended annual operating budget and recommended capital budget;

(4) Ensure that the City Clerk and Finance Director submit to the Council at least quarterly a statement covering the financial conditions of the City and from time-to-time such other information as the Mayor and City Council may request;

(5) Delegate such other executive or administrative duties, in the Mayor's discretion, to the City Clerk of the City, as the Mayor deems expedient for the proper operations of the City.

(6) The Mayor shall coordinate and conduct an annual employment review of the City Clerk, as part of the city's personnel policy, and present the review to the City Council. The annual employment review shall be conducted during the month of the employee's anniversary of hire date of each and every year.

SECTION 4. OFFICE OF FINANCE DIRECTOR FOR THE CITY OF BALDWIN, GA

Notwithstanding the delegation of authority set forth in Section 2 above, the Mayor and Council shall hire a City Finance Director upon the recommendation of the City Clerk. The Finance Director shall, at all times, be responsible directly to the City Clerk with regard to all ordinary and necessary services associated within the City. The Finance Director shall be responsible for the following:

(1) Managing the financial operations of the City and serving as the City's Budget Officer;

(2) Providing fiscal accountability and transparent stewardship of the public funds to the City directly through the management, monitoring and coordination of the various components of the City's budget;

(3) Advising City Clerk, Mayor, and Council regarding financial matters such as effective use of resources;

(4) Establishing department work plans, goals and objectives; providing direction and guidance to subordinate staff;

- (5) Providing for accounting compliance, budgeting, overseeing and directing annual audits, investment opportunities and debt administration;
- (6) Providing quarterly financial reports for Mayor and City Council review and monthly reports to the City Clerk, Mayor, and department heads;
- (7) Carrying out the general duties of a fiscal officer of the City and performing such other duties as may be provided by the governing body or the City Clerk;
- (8) Working with department heads to ensure oversight of proper grant administration and compliance with any applicable rules and regulations;
- (9) Attending all City Council Meetings where financial matters are discussed.
- (10) The Mayor shall coordinate and conduct an annual employment review of the City Finance Director with the City Clerk, as part of the city's personnel policy, and present the review to the City Council. The annual employment review shall be conducted during the month of the employee's anniversary of hire date of each and every year.

SECTION 5. ABILITY TO MODIFY THIS ADMINISTRATIVE POLICY.


Pursuant to Section 2-13 of the City Charter, the Mayor has established this administrative policy, which has also been agreed to and approved by the City Council, but the Mayor as the Chief Executive of the City of Baldwin, Georgia, subject to the direction of the City Council, retains the right to modify or change this administrative policy in any way, or at any time, as deemed necessary in the absolute discretion of the Mayor.

SECTION 6. EFFECTIVE DATE.

This administrative policy shall go into effect upon approval by the Mayor and Council of the City of Baldwin, Georgia, and with that date as set out herein this administrative policy.

This administrative policy is approved as of this ___ day of December, 2020 pursuant to Section 2-13 of the City Charter of the City of Baldwin, Georgia. Ga.L 1986p 5582; as amended]

MAYOR OF THE CITY OF BALDWIN, GA


Joe Elam

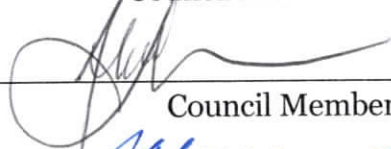
Approved and Confirmed by the City Council of the City of Baldwin, GA




Council Member Theron Ayers



Council Member Larry Lewallen

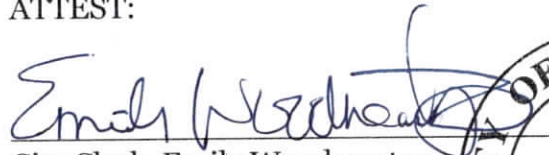


Council Member Alice Venter



Council Member Stephanie Almagno

ATTEST:



City Clerk, Emily Woodmaster

