



Agenda
City Council Work Session
December 5th, 2023
6:30pm

Baldwin Municipal Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

Call Meeting to Order

Economic Development Discussion (max. 20 minutes)

Public Hearing

Old Business

New Business

1. Policy for Revocation of Cemetery Plots
2. Mayor's Reading Club
3. City of Civility
4. City of Ethics

Announcement

- a. City Offices will be closed on December 22nd and December 25th in observance of the Christmas holiday and January 1st in observance of New Year's Day.
- b. City Hall will be operating by drive-through and appointment only from Tuesday, December 26th through Friday, December 29th. To make an appointment with a member of City Hall staff, please call 706-778-6341.

Adjournment



Cemetery Rules & Regulations

Office of the City Clerk

P. O. Box 247

186 Hwy 441 Bypass, Baldwin, GA 30511

Statement of Policy:

The Rules and Regulations for Baldwin City Cemetery are reviewed and approved by the Baldwin City Council to govern the operations and functions of the Baldwin Cemetery. These rules and regulations were created in order to maintain the Cemetery in a condition wherein individual solace and memory may be sought and to accommodate, to the greatest degree possible, the memorial intent of those who care for the interred.

The Cemetery is not one of perpetual care and the City of Baldwin is under no obligation to maintain any set standard for its care and upkeep. The City does, however, endeavor to provide general maintenance and care to the Cemetery in keeping with its purpose of the reverent interment of the dead.

The City shall not be held liable for errors or damages which may occur from misinterpretation of telephone instructions from lot owners, their legal representatives, or funeral directors acting on behalf of the owner or their heirs.

The City has the right to change, modify, or re-plate any part of the Cemetery. Cemetery patrons who have questions or concerns may contact Baldwin City Hall at 706-778-6341.

Map and Development Plans

City maintains a cemetery map and development plan defining available, purchased, and occupied cemetery lots, as well as future development.

The Mayor and City Council shall establish rules and regulations for the use of the Baldwin Cemetery relating to:

- Subdividing the Cemetery into lots,
- Capacity of each lot,
- Location of graves, and
- Types of plants, monuments, and markers permitted for the proper and most attractive development of the City Cemetery.

Said rules shall be kept in the office of the City Clerk and are available to the public.

Entry to Cemetery

Visitors to the cemetery enter at their own risk. While every effort is made to ensure the safety of the public, cemeteries can be dangerous places due to uneven ground, unstable headstones, etc. Members of the public should not go near open excavations or soil heaps, as the ground is unstable. The City is not liable for any injuries sustained while visiting the Cemetery. It shall be unlawful for any person to be on the premises of the Cemetery between the hours of sunset and the following sunrise.

Notification Required for Grave Digging

It shall be unlawful for any person to dig a grave in the Baldwin Cemetery without first notifying the City Clerk or Chief Administrative Officer during normal business hours within 24 hours of digging at the site. Failure to notify could result in a fine.

Notice of Interment

A written Notice of Interment and appropriate payment must be delivered to Baldwin City Hall as soon as possible prior to any interment in any grave. All funeral home directors should contact City Hall in sufficient time to ensure that our records reflect the information given to them and to make sure full payment was made for the burial site.

Baldwin City Hall is open Monday – Friday, 8:30 am – 4:30 pm and is closed on weekends and the following official City Holidays:

New Year's Day, Martin Luther King, Jr. Day, President's Day, Good Friay, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas Day.

Human Burials Only

Only the remains of human beings shall be buried at Baldwin Cemetery.

Rules for Interment

No deceased person shall be interred in the Baldwin Cemetery until it has been verified that:

1. The lot in which burial is to be made has been paid in full.
2. The person arranging for such burial has the right to the use of such lot.
3. Such lot is not used beyond its capacity.
4. Proper record is made of the name and age of the deceased person and of the exact location of the grave.
5. All state and local health laws are in full compliance.
6. All caskets must be in vaults.

Exhumation Notification Required

No person shall exhume or remove any corpse from the Baldwin Cemetery without written notice to the Chief Administrative Officer and City Clerk, a court order authorizing exhumation, and a notice from the county coroner. Any exhumations must be conducted in the presence of the coroner (or respective agent) and a city official.

Purchasing Cemetery Lots

Any person desiring to purchase lots in Baldwin Cemetery may contact City Hall by phone at 706-778-6341. All lots shall be sold subject to the rules and regulations now in force or which may be adopted. Such lots shall be used for no other purpose than the burial of human remains.

All 5' x 10' burial plots currently cost \$600.00 each and these plots are only available in

the new section of Baldwin Cemetery. There are currently no plots available for purchase in the old section of the Baldwin Cemetery.

Only one body shall be buried in any one grave space. Cemetery deeds for a grave space, however, may be equally divided into two 5' x 5' grave spaces to allow for the burial of cremation urns. Only one urn may be buried in each 5' x 5' grave space.

Restrictions

The planting of flowers, trees, shrubs, or any other effort to improve or beautify any lot within the Baldwin Cemetery shall not be allowed. No signs, notices, or advertisements of any kind shall be allowed in the cemetery, except those by the City.

All remains to be buried shall be placed in a coffin or casket that meets all State of Georgia requirements. Said coffin or casket shall then be placed in a rigid outer receptacle made of metal, concrete, fiberglass, plastic, or similar water-resistant material. The City maintains the right to approve all outer receptacles to be used in the cemetery.

Removal of Trees and Shrubbery

If any tree or shrub (by means of its roots or branches) becomes detrimental in any way to the adjoining lot, avenue, or walk, it shall be the duty and privilege of the City of Baldwin to enter the lot and remove the tree(s), shrub(s), or any part thereof. No tree growing in any lot or border shall be pruned or removed without the consent of the City of Baldwin.

Authority to Remove Items

The City of Baldwin shall have the authority to remove all flowers, weeds, trees, shrubs, or other plants of any kind from the Cemetery in the event they become unsightly, dangerous, detrimental, or diseased as determined by the Chief Administrative Officer. The City shall not be liable for damage to floral pieces, baskets, or picture frames in/to which floral pieces are attached.

Improvements or Alterations

It shall be unlawful for any person to build or erect any wall, coping, or curbing around or on any lot in the Baldwin Cemetery without first obtaining written permission from the City at least 24 hours prior to its installation. The form requesting coping around a cemetery lot may be obtained at City Hall or by calling 706-778-6341. The measurements and corners of the cemetery lot must be verified by the City Clerk or Chief Administrative Officer before permission is granted to the lot owner or their heir(s) to erect any coping or similar improvement.

Written consent from the City Clerk or Chief Administrative Officer is required for any other improvements or alterations of deeded lots within the Cemetery. Such improvements or alterations are subject to the satisfaction and approval of the City upon completion. The City of Baldwin reserves the right, at the expense of the lot owner, to remove or change improvements made without the City's written approval or in the event that the improvements become unsightly in the City's judgement.

Malicious Intent

It shall be unlawful for any person do the following:

1. Disturb any grave.
2. Deface, disturb, or remove any monument or marker/ornament from any grave.
3. Destroy or damage any tree, shrub, or flowers planted or placed within the Cemetery.
4. Commit any other trespass within the cemetery.
5. Be on the Cemetery premises from sunset to the following sunrise.

Those found in violation shall be fully prosecuted.

Cemetery Care

The responsibility of Baldwin Cemetery's general care is assumed by the City of Baldwin, including the cutting of grass at reasonable intervals, raking and cleaning of the grounds, and pruning shrubs and trees placed by the City. General care provided by the City shall not include the maintenance, repair, or replacement of any marker, monument, or memorial. The City shall not be responsible for any special work in the Cemetery, including but not limited to, any work caused by the impoverishment of the soil or reconstruction of any marble or granite work within the Cemetery.

Family Plots Inalienable

Reversion to City. Whenever an interment of the remains of a member or a relative of a member of the family of the record owner, or the remains of the record owner, is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in their will by a specific device, or by a written declaration filed and recorded in the office of the City Clerk, the cemetery plot thereby becomes inalienable and shall be held as the family plot of the owner, with title to the same reverting to the City for protection of those who may be interred therein.

Right to burial without consent. In a family plot, one grave, niche, or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a right of interment in it; and in those remaining, if any, the parents and children of the deceased owner, in order of death, may be interred without the consent of any person claiming any interest in the plot.

Order of right of interment. If no parent or child survives, the right of interment goes in the order of death, first, to the spouse of any child of the record owner, and second, in the order of death, to the next heir at law of the owner or the spouse of any heir at law.

Interment right waived in favor of other relatives. Any surviving spouse, parent, child, or heir with the right of interment in a family plot may waive such right in favor of any other relative, or spouse of a relative, of either deceased owner or of their spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

Vested Right of Spouse & Joinder Prerequisite

No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

Plots with Multiple Owners/Designated Owner

If a cemetery plot has several owners of the rights of interment, they may designate one or more persons to represent the plot, lot, or space and file written notice of designation with the City Clerk. In the absence of such notice or of written objection to its so doing, the City is not liable to any owner for interring or permitting an interment or refusing an interment in the plot upon the request or direction of any co-owners of the plot.

Cope of Vested Right

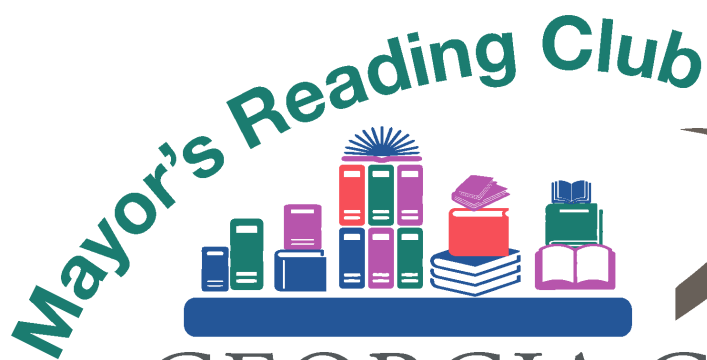
No vested right of interment gives to any person the right to have their remains interred in any interment space in which the remains of any deceased having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space.

Delay of Interment, Liability, and Right of the City

The City shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where these rules and regulations are not in compliance. The City reserves the right, under such circumstances, to place the body in a funeral home or a receiving vault until the full rights have been determined. The City may require any protest to be in writing and to be filed in the office of the City Clerk.

Mayor's Reading Club

Program Starter Kit



GEORGIA CITY

SOLUTIONS

A Georgia Municipal Association Nonprofit

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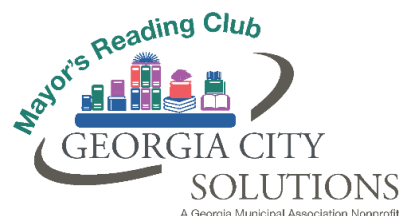
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Introduction



Mayor's Reading Club Program

Welcome to the Mayor's Reading Club Program offered by Georgia City Solutions, a nonprofit managed by the Georgia Municipal Association (GMA)!

Literacy is not just an education issue. It is an economic, workforce, and quality of life issue. We know that the major challenges which hold cities and their residents back are grounded in the outcomes of intergenerational poverty - such as low academic achievement, disengaged youth, and a deficient pipeline of qualified workers to fill local jobs.

Given the scope of these challenges, municipal leaders cannot solve them on their own. Collaborative efforts and strategic partnerships must be undertaken which require the active involvement of state and local government officials, as well as the private and nonprofit sectors, academia, the philanthropic community, and individuals impacted by these challenges.

As mayor, you are in a unique position and well suited to convene stakeholders in your community to address these persistent challenges. Georgia City Solutions is honored and excited to partner with you and cities across Georgia to elevate and bring awareness about the importance and power of early reading through the Mayor's Reading Club Program.

Enclosed is the Mayor's Reading Club Program Starter Kit which includes the following:

- A copy of books in the GCS children's book series:
 - Georgia Caroline Visits City Hall*
 - Georgia Caroline Visits Our Hometown Heroes*
- Companion Lesson Plans for Kindergarten and Third Grade for *Georgia Caroline Visits City Hall*
- Mayor's Reading Club Proclamation template
- Program Implementation and Resource Guide

Thank you for your leadership and commitment to improving literacy in your community. Your participation in the Mayor's Reading Club Program is helping to improve Georgia's economic vitality one book at a time!

Frequently Asked Questions

What is the Mayor’s Reading Club Program?

The Mayor’s Reading Club Program launched in August 2022 and is offered through Georgia City Solutions (GCS), a nonprofit managed by GMA. The goal of the program is to improve the literacy skills and overall success with early reading among children and youth in Georgia cities through encouragement, support, and leadership from city mayors.

The program is flexible and promotes partnerships and collaboration between the city, county, schools, libraries, local nonprofits, and the business community. It can be delivered based on the mayor’s preference – virtual reading, in-person reading, recorded reading and made available on-demand through various channels. The frequency of reading events is up to the mayor/city. In addition to mayors being featured readers, “guest readers” can be incorporated into to the program to promote engagement from other city elected officials, city staff, youth, and the community. The program can be expanded to incorporate a companion activity, such as art, that provides an experiential learning opportunity.

As part of the Mayor’s Reading Club Program, GCS has commissioned a children’s book series to teach young readers about local government. The first book in the series titled, *Georgia Caroline Visits City Hall*, follows Georgia Caroline and her classmates on a field trip to City Hall in their hometown of Happyville, Georgia. In the second book titled, *Georgia Caroline Visits Our Hometown Heroes*, Georgia Caroline and her classmates go on a field trip to the Happyville police and fire departments where they get a special behind-the-scenes tour and learn what it means to be a hometown hero. A copy of these books are included in the program starter kit, and we recommend reading one or both books at your first reading event.

GCS will convene a forum twice per year of all mayors participating in the program to exchange program ideas, share best practices for successful reading programs and report on the impact of the program in their community.

What is the Georgia City Solutions Children’s Book Series?

As part of the Mayor’s Reading Club Program, GCS has commissioned a children’s book series to teach young readers about local government. The series, *Georgia Caroline Visits City Departments*, is expected to include 5 books. Each book focuses on the main character, Georgia Caroline, and her classmates visiting a different city department(s) to learn about the city workers and their jobs, purpose, and services provided. The books are written for reading age 4-8 years.

Frequently Asked Questions (Cont'd.)

The first book in the series titled, *Georgia Caroline Visits City Hall*, follows Georgia Caroline and her classmates on a field trip to City Hall in their hometown of Happyville, Georgia. Georgia Caroline and her classmates Marcus, Catherine, Gerald, Ruthie, Brandon, Blakely, Lincoln and Emery are excited to meet Mayor Joneson and find out what a mayor does and what happens in City Hall. Led by City Manager Noe, Georgia Caroline and her classmates get a behind-the-scenes tour of City Hall and learn about city services and operations. They even get to drop in on a City Council meeting in progress where a vote is being taken on a parks project and they run into Mrs. Rezi Dent who is a friend of Georgia Caroline's grandmother.

The second book in the series titled, *Georgia Caroline Visits Our Hometown Heroes*, follows Georgia Caroline and her classmates on a field trip to the Happyville police and fire departments where they meet Police Chief Meyers and K-9 Officer Liberty and Fire Chief Spencer. They get a special behind-the-scenes tour of each department and learn what it means to be a hometown hero.

How do I get started with the Mayor's Reading Club?

Getting started is simple.

1. Sign up (if you haven't already done so) for the program via the GCS website at <https://www.gacitysolutions.org/Programs/Mayor-s-Reading-Club/Join-Mayors-Reading-Club>.
2. Once you sign up, you will receive an electronic copy of the Mayor's Reading Club Program Starter Kit. A hard copy of the program starter kit info along with the Georgia Caroline books will be mailed to you by USPS.
3. Read the information in the Mayor's Reading Club Program Starter Kit.
4. Schedule a reading of the Mayor's Reading Club Proclamation and send a copy of the signed Proclamation to Kay Love at klove@gacities.com or mail to GCS at 201 Pryor St. SW, Atlanta, GA 30303. A proclamation template is provided in the starter kit.
5. Plan the first Mayor's Reading Club event and promote it. Don't forget to reach out to the public library and/or local elementary school for help in planning reading events.
6. Please share pictures/videos with us and on social media.
7. Let GCS know when your first reading event is scheduled. To the extent possible, GCS wants to be there to support your inaugural event.

Frequently Asked Questions (Cont'd.)

8. Connect with local elementary school(s), the public library, business community and other partners about the Mayor's Reading Club Program. These partners can be instrumental in helping the city with the program (venues for reading events, book suggestions, serve as guest readers, sponsorships/donations, companion activities, etc.). FYI, the state librarian has disseminated information about this program to the 408 public libraries across the state and they are happy to partner with local elected officials in this effort.

Is the Mayor's Reading Club Program information available on the GCS website?

Yes, general information about the Mayor's Reading Club Program and the sign-up link can be found on the GCS website at <https://gacitysolutions.org> by clicking on the menu icon in the top left corner and selecting "Mayor's Reading Club" under the "Our Programs" list. The Mayor's Reading Club Program Starter Kit is made available when a mayor signs up/joins the program via the website. Mayors can also sign up for the program by sending an email to Kay Love at klove@gacities.com or Brian Wallace at bwallace@gacities.com or by calling us at 678-686-6228.

Where can I get additional copies of the Georgia Caroline books?

The books are available for purchase at [amazon.com](https://www.amazon.com) for \$15 each. All proceeds from book sales go back into the Mayor's Reading Club Program. We encourage cities to reach out to local business and community partners who may be willing to host a mayor's reading event and/or purchase/donate copies of the book to the city or directly to local elementary schools. The goal is for every elementary school student in your city to have a copy of one of the books or the entire series!

Will the Georgia Caroline books be available in public libraries?

Yes. GCS has partnered with the Georgia Public Library System to encourage them to place copies of the Georgia Caroline book series in all 408 public libraries across the state.

Who should the mayor/city partner with on the Mayor's Reading Club?

Local elementary schools and the public library are good "start-up" partners. The State Librarian has disseminated information to the 408 public libraries across the state and they are excited to partner with local elected officials in this effort. Contact your local elementary school and public library about scheduling a reading event.

Frequently Asked Questions (Cont'd.)

Other partners may include:

Non-profit organizations working in the literacy space
After School Programs, YMCA, Boys/Girls Club
Civic Organizations (Rotary, Kiwanis)
Chamber of Commerce
Local businesses
Faith based organizations

Are there suggested activities to go along with the Georgia Caroline book series?

Yes. The program can easily be expanded to incorporate companion activities that provide an experiential learning opportunity for children and engage the community.

Examples include, but are not limited to:

Art activities (painting, drawing, music, theater) - An example of an art activity for the *Georgia Caroline Visits City Hall* book is having children draw a picture of Mayor Joneson or any of the other characters in the book. In the scene on page 23 of the book, a new recreation center with dog park and trails is approved by mayor and council. Ask the children to draw a picture of what they think the recreation center, dog park and trails should look like. Display the pictures in city hall or include in an “art show” or have a contest and select the top 3 pictures by grade/class.

An example of a theater/skit activity for the *Georgia Caroline Visits City Hall* book would be to ask the kids to role play certain characters in the book or a teacher could have the class create a skit from the book and the skit could be performed at city hall or as part of a festival or other city or school event.

Lesson Plans for Kindergarten and Third Grade - Lesson Plans designed by an elementary school teacher for kindergarten and third grade based on the GaDOE Georgia Standards of Excellence are included in the Mayor’s Reading Club Starter Kit for the *Georgia Caroline Visits City Hall* book. Classroom activities are included in the Lesson Plans that can be used outside the classroom. Share the Lesson Plans with your local elementary school teachers and partner with them for a classroom reading event with a companion activity.

City Storywalk – A StoryWalk is a fun activity developed by Anne Ferguson in Montpelier, Vermont, that places a children’s book/story - deconstructed book, page by page—along a walking route in your community. It combines reading a children’s book aloud while taking a walk. (See the Perry, GA example in the resources section of the starter kit)

Frequently Asked Questions (Cont'd.)

Is there a list of suggested books for the Mayor's Reading Club Program?

Yes. A suggested reading list is included in the Mayor's Reading Club Program Starter Kit. The list has been compiled from multiple literacy sources. However, we strongly encourage mayors to create their own reading list based on personal favorites growing up or those of family kids, resident and partner organization suggestions, etc.

See the "Other Literacy Resources" section of the Mayor's Reading Club Program Starter Kit for links to literacy websites that have suggested reading lists.

Where do I send pictures/videos, news articles of our Mayor's Reading Club events?

The easiest way to share pictures and videos is via social media. You can tag Georgia City Solutions and Georgia Municipal Association on FaceBook and LinkedIn. Use the following hashtags:

#Georgia City Solutions, #gacities, #GeorgiaMunicipal Association, #MayorsReadingClub. You can also share pictures/videos and media coverage via email at gcs@gacities.com or through other sharing applications. Taking pictures/videos and sharing is a great way to publicize the program, highlight partnerships and to tell impactful stories.

Where can I find free books and literacy resources? (see "Other Literacy Resources" section of Mayor's Reading Club Program Starter Kit for a more complete list.)

Dolly Parton's Imagination Library is a book gifting program that mails free, high-quality books to children from birth to age five, no matter their family's income. <https://imaginationlibrary.com/>

Ferst Readers - Children enrolled in the Ferst Program receive a new book every month in the mail until their 5th birthday. There is no cost (ever) to registered children in participating areas. The program is made possible through the partnership with local, all-volunteer Community Action Teams (CATs). <https://ferstreaders.org/>

Project Gutenberg is an online library of free eBooks. Project Gutenberg was the first provider of free electronic books, or eBooks. <https://www.gutenberg.org/>

Epic is the leading digital reading platform for kids 12 and under. There are a variety of options and resources available for teachers, parents, and kids. <https://www.getepic.com/>

Frequently Asked Questions (Cont'd.)

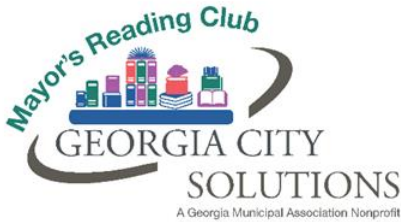
Where can I find basic literacy data about my city/county?

There are a variety of data resources available depending on the type of data you are seeking. The key is to find a reliable data source and stick with it. Below are examples of two data sources GCS frequently uses in support of our literacy work.

1. Get Georgia Reading – The tools provide a compilation of data related to the underlying factors affecting language and literacy outcomes such as academic achievement, demographic, economic, and community indicators. Find out how a specific school or school district is faring. You can also export early childhood program lists and community profiles for cities, counties, and legislative districts. <https://getgeorgiareading.org/data/find-data/>
2. Georgia Municipal Association (GMA) – The GMA data tools Dashboard includes indicators for each city in Georgia along with city and statewide averages for comparisons. Users can choose economic, education, household, population, demographic, and labor data. <https://www.gacities.com/Resources/Data-Tools/GMA-Dashboard.aspx>

I have feedback about and/or a suggestion for improving the Mayor's Reading Club Program. Who do I contact?

Feedback and suggestions about the program are welcomed and encouraged. Email Kay Love at klove@gacities.com or call 678-686-6228 or Brian Wallace at bwallace@gacities.com or call 678-686-6261 with your feedback and suggestions.



PROCLAMATION

WHEREAS, literacy is not just an education issue. It is an economic, workforce, and quality of life issue; and

WHEREAS, research shows that children who can't read proficiently by the end of third grade are more likely to experience poor health, have discipline problems, and drop out of high school; and

WHEREAS, each year in the United States, low literacy levels are linked to hundreds of billions of dollars in non-productivity, healthcare, and judicial costs; and

WHEREAS, 68% of Georgia fourth graders do not read proficiently; and

WHEREAS, collaborative efforts and strategic partnerships must be undertaken to address literacy issues; and

WHEREAS, the Mayor's Reading Club program is offered through Georgia City Solutions, a Georgia Municipal Association managed nonprofit; and

WHEREAS, the goal of the program is to improve literacy skills and overall success with early reading among children and youth in Georgia cities through encouragement, support, and leadership from city mayors; and

WHEREAS, Georgia City Solutions has commissioned a children's book series to use as part of the program to teach young readers about local government and a copy of the first two books in the series titled, *Georgia Caroline Visits City Hall* and *Georgia Caroline Visits Our Hometown Heroes*, is provided in the program starter-kit; and

WHEREAS, the Mayor's Reading Club is flexible and can be delivered in person or virtually and promotes partnerships and collaboration between the city, county, schools, public libraries, local nonprofits, and business community.

NOW, THEREFORE, I, Stephanie Almagno, Mayor of the City of Baldwin, Georgia, do hereby join the Mayor's Reading Club program and proclaim **[INSERT DATE]** as:

“MAYOR'S READING CLUB DAY”

in Baldwin, Georgia and encourage all residents, businesses, and community partners to help promote and elevate literacy as a community priority and support the Mayor's Reading Club to improve Georgia's economic vitality one book at a time.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 20____.

Stephanie Almagno, Mayor

**A RESOLUTION
PLEDGING TO PRACTICE AND PROMOTE CIVILITY IN THE CITY OF BALDWIN,
GEORGIA**

WHEREAS, the City Council of the City of Baldwin (the Council”), the governing body of the City of Baldwin, Georgia (the “Municipality”), recognizes that robust debate and the right to self-expression, as protected by the First Amendment to the United States Constitution, are fundamental rights and essential components of democratic self-governance; and

WHEREAS, the City Council further recognizes that the public exchange of diverse ideas and viewpoints is necessary to the health of the community and the quality of governance in the Municipality; and

WHEREAS, the members of City Council, as elected representatives of the community and stewards of the public trust, recognize their special role in modeling open, free and vigorous debate while maintaining the highest standards of civility, honesty and mutual respect; and

WHEREAS, City Council meetings are open to the public and thus how City officials execute their legal duties is on public display; and

WHEREAS, civility by City officials in the execution of their legislative duties and responsibilities fosters respect, kindness and thoughtfulness between City officials, avoiding personal ill will which results in actions being directed to issues made in the best interests of residents; and

WHEREAS, civility between City officials presents an opportunity to set a positive example of conduct and promotes thoughtful debate and discussion of legislative issues, resulting in better public policy and a more informed electorate while also encouraging civil behavior between residents; and

WHEREAS, civility between City officials is possible if each member of the elected body remembers that they represent not only themselves, but the constituents of their district and city; and

WHEREAS, in order to publicly declare its commitment to civil discourse and to express its concern for the common good and well-being of all of its residents, the City Council has determined to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION ONE

The City of Baldwin pledges to practice and promote civility within the governing body as a means of conducting legislative duties and responsibilities.

SECTION TWO

The elected officials of the City of Baldwin enact this civility pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of the City of Baldwin.

SECTION THREE

This pledge strives to ensure that all communication be open, honest, and transparent as this is vital for cultivating trust and relationships.

SECTION FOUR

This pledge strives to show courtesy by treating all colleagues, staff and members of the public in a professional and respectful manner whether in-person, online or in written communication, especially when we disagree.

SECTION FIVE

This pledge strives to ensure mutual respect to achieve municipal goals, recognizing that patience, tolerance and civility are imperative to success and demonstrates the Council’s commitment to respect different opinions, by inviting and considering different perspectives, allowing space for ideas to be expressed, debated, opposed, and clarified in a constructive manner.

SECTION SIX

This pledge demonstrates our commitment against violence and incivility in all their forms whenever and wherever they occur in all our meetings and interactions.

SECTION SEVEN

The City of Baldwin expects members of the public to be civil in its discussion of matters under consideration by and before the City Council with elected officials, staff, and each other.

ADOPTED this ____ day of _____, 20__.

Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

ATTEST:

City Clerk

RESOLUTION

WHEREAS the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

WHEREAS the City of Baldwin, Georgia wishes to be certified as a Certified City of Ethics under the GMA Program; and,

WHEREAS part of the certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of Baldwin, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

- * Serve Others, Not Ourselves
- * Use Resources With Efficiency and Economy
- * Treat All People Fairly
- * Use The Power of Our Position For The Well Being Of Our Constituents
- * Create An Environment Of Honesty, Openness And Integrity

RESOLVED this _____ day of _____, 20____.

Mayor

Council Member

Council Member

Council Member

Council Member

Council Number

ATTEST:

City Clerk

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Cities of Ethics

GMA's City of Ethics program is not in any way approval of past or present conduct by the city or any city official. Additionally, GMA is not a regulatory body and does not adjudicate ethics issues for municipalities. Instead, the City of Ethics program is an attempt to raise awareness about ethics issues at the local level and provide a local forum for the airing and resolution of legitimate concerns. The use of a local ethics ordinance allows citizens to raise their concerns and participate in the ethics investigation process at the local level, where the voice and influence of the individual citizen is strongest.

First Time Designation

To earn a "GMA Certified City of Ethics" designation for the first time, a city must:

Adopt a Resolution Establishing the Five Ethics Principles for the Conduct of Your City's Officials

These principles are designed to guide the elected officials as individuals and as a governing body. These principles are:

1. Serve others, not ourselves
2. Use resources with efficiency and economy
3. Treat all people fairly
4. Use the power of our position for the well-being of our constituents
5. Create an environment of honesty, openness and integrity



The Resolution must be executed by the majority of the city's governing body and must reference the five ethics principles (see [Sample Resolution \(https://www.gacities.com/getmedia/b55938cf-0238-4f54-a391-e302f87cb22d/ethicsresolutionsample.aspx\)](https://www.gacities.com/getmedia/b55938cf-0238-4f54-a391-e302f87cb22d/ethicsresolutionsample.aspx)).

Adopt an Ethics Ordinance that Meets the Minimum Standards Approved by the GMA Board

The ordinance must contain definitions, an enumeration of permissible and impermissible activities by elected officials, due process procedures for elected officials charged with a violation of the ordinance and punishment provisions for those elected officials found in violation of the ordinance. When considering provisions to include in a comprehensive code of ethics (see [Sample Ethics Ordinance \(https://www.gacities.com/getmedia/50c3839f-9da2-441d-b92c-601c33a3f5a0/gma_sampleethicsordinance.aspx\)](https://www.gacities.com/getmedia/50c3839f-9da2-441d-b92c-601c33a3f5a0/gma_sampleethicsordinance.aspx)). The Sample Ethics Ordinance accurately reflects the types of provisions considered essential to a local ethics ordinance.

Application Fee

A one-time application fee of \$85 is charged and must be included (made payable to Georgia Municipal Association).

Submit the above-mentioned bulleted items, with a cover letter (on city letterhead) addressed to the contact below requesting designation in the program or [submit online \(https://www.gacities.com/Forms/City-of-Ethics.aspx\)](https://www.gacities.com/Forms/City-of-Ethics.aspx).

Georgia Municipal Association
Attention: Gina Gresham
201 Pryor Street, SW
Atlanta, Georgia 30303

The submission will be forwarded to the GMA Ethics Certification Committee for review and approval. If this panel of attorneys determines the city meets the established requirements, the city will be approved as a "Certified City of Ethics" and will be recognized during the GMA Annual Convention or Cities United Summit and will be provided a plaque memorializing the city's induction as a "Certified City of Ethics" (see submission deadline dates below).

Re-certification

Adopt a Current Resolution Establishing the Five Ethics Principles Every (Required Every 4 Years after Designation)

Re-adopt a recent Resolution establishing the five ethics principles (the Resolution must be executed by the majority of the city's current governing body (see [Sample Resolution \(https://www.gacities.com/getmedia/b55938cf-0238-4f54-a391-e302f87cb22d/ethicsresolutionsample.aspx\)](https://www.gacities.com/getmedia/b55938cf-0238-4f54-a391-e302f87cb22d/ethicsresolutionsample.aspx)). If the city has made changes to its Ethics Ordinance since the last recertification, please include a copy of the repealed Ordinance.

Submit the above-mentioned Resolution, a cover letter on city letterhead requesting re-certification in the Ethics program. If the city has made any changes to its Ethics Ordinance since the last re-certification, please include a copy of the new Ordinance. In the cover letter, please inform the GMA Committee of the changes made to the Ordinance for review. Send the requested documents to the above-mentioned contact by the deadline date (no fee is associated to re-certify for members in good standing). A plaque will not be provided for a re-certification as a "Certified City of Ethics."

Submission Deadline Dates

Cities have two opportunities to be Designated and/or Re-certified in the Certified City of Ethics program. Designation recognition and Re-certification recognition in the Ethics program are acknowledged annually during both the GMA Annual Convention in June and the Cities United Summit in January. The required documents for recognition during the GMA Convention must be submitted to the GMA contact for approval by **April 30**. The required documents for recognition during Cities United Summit in January must be submitted to the GMA contact for approval by **November 30**.

For general guidance in facing ethical dilemmas on a day-to-day basis and on state ethics laws, see GMA's publication "[Ethics in Government: Charting the Right Course \(/Resources/GMA-Handbooks-Publications/GMA-Publications/Ethics-in-Government-Charting-the-Right-Course.aspx\)](/Resources/GMA-Handbooks-Publications/GMA-Publications/Ethics-in-Government-Charting-the-Right-Course.aspx)."

Resources at a Glance

- [Sample Ethics Ordinance \(https://www.gacities.com/getmedia/50c3839f-9da2-441d-b92c-601c33a3f5a0/gma_sampleethicsordinance.aspx\)](https://www.gacities.com/getmedia/50c3839f-9da2-441d-b92c-601c33a3f5a0/gma_sampleethicsordinance.aspx)
- [Sample Resolution \(https://www.gacities.com/getmedia/b55938cf-0238-4f54-a391-e302f87cb22d/ethicsresolutionsample.aspx\)](https://www.gacities.com/getmedia/b55938cf-0238-4f54-a391-e302f87cb22d/ethicsresolutionsample.aspx)
- [Ethics in Government: Charting the Right Course \(/Resources/GMA-Handbooks-Publications/GMA-Publications/Ethics-in-Government-Charting-the-Right-Course.aspx\)](/Resources/GMA-Handbooks-Publications/GMA-Publications/Ethics-in-Government-Charting-the-Right-Course.aspx)
- [Establishing, Following Ethics Rules Raises the Level of Trust \(https://www.gacities.com/About/Awards-and-Certifications/Cities-of-Ethics/Establishing,-Following-Ethics-Rules-Raises-the-Le.aspx\)](https://www.gacities.com/About/Awards-and-Certifications/Cities-of-Ethics/Establishing,-Following-Ethics-Rules-Raises-the-Le.aspx)

More Information



This sample ethics ordinance is provided only for general informational purposes and to assist Georgia cities in identifying issues to address in a local ethics ordinance. The ordinance is not and should not be treated as legal advice. You should consult with your legal counsel before drafting or adopting any ordinance and before taking any action based on this sample.

SAMPLE ETHICS ORDINANCE

City of _____

State of Georgia

ORDINANCE No. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF _____, GEORGIA TO PROVIDE A NEW CODE SECTION _____, ETHICS; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of _____, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the duly elected governing authority of the City of _____, Georgia is the Mayor and Council thereof; and

WHEREAS, the governing authority deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain; and

WHEREAS such measures are necessary to provide the public with confidence in the integrity of its government.

NOW THEREFORE it is the policy of the city that its officials, employees, appointees, and volunteers conducting official city business:

- Serve others and not themselves;
- Be independent, impartial and responsible;
- Use resources with efficiency and economy;
- Treat all people fairly;
- Use the power of their position for the well being of their constituents; and

Create an environment of honesty, openness and integrity.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED:

Section 1.

That the Code of Ordinances of the City of _____, Georgia is hereby amended by adding sections to be numbered _____, Code of Ethics, which said sections read as follows:

“Sec. _____ PURPOSE

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
- (c) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (d) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. _____ SCOPE

The provisions of this code of ethics shall be applicable to all elected or appointed city officials.

Notwithstanding anything herein to the contrary, state law and the charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. _____ DEFINITIONS

Solely for the purpose of this code of ethics:

- (a) *City official or official*, unless otherwise expressly defined does not include city employees but does mean the mayor, members of the city council, municipal court judges (including substitute judges), city manager, city clerk, city attorney, and all other persons holding positions designated by the city charter, as amended. The term “city official” also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.

- (b) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.
- (c) *Employee* means any person who is a full-time or part-time employee of the city.
- (d) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (e) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- (f) *Remote interest* means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
- (g) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:
 - (1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
 - (2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or (b) ten percent of the recipient's gross income during that period, whichever is less;
 - (3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or
 - (4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. ____ **PROHIBITIONS**

- (a) No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.
- (b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.
- (c) No city official shall act as an agent or attorney for another in any matter before the city council or other city body.
- (d) No city official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
- (e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
 - (i) This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
 - (ii) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator or chief of police).
 - (iii) Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.

- (i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (n) A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (o) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore.
- (p) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of _____ nor shall any city official engage in ex parte communication with a municipal court judge of the City of _____ on any matter pending before the Municipal Court of the City of _____.

Sec. ____ **CONFLICT OF INTEREST**

- (a) A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.
- (b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.

Sec. ____ **BOARD OF ETHICS**

Select Alternative A, B, C or D or draft another suitable alternative. If Alternative D is chosen, subsections (b) through (f) may be omitted. Alternative D can also be used in conjunction with one of the other alternatives to hear complaints against any member of the Board of Ethics or when the Board of Ethics cannot convene because appointed members of the Board of Ethics have conflicts of interest in hearing the matter.

Alternative A

- (a) The Board of Ethics of the City shall consist of three (3) residents of the City, one appointed by the mayor, one appointed by the city council, and the third appointed by the mayor and approved by a majority of the city council.

Alternative B

- (a) The Board of Ethics shall consist of three (3) residents of the City, one appointed by the mayor, one appointed by the council, and the third appointed by the two named Board members and approved by a majority of the city council. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia.

Alternative C

- (a) The Board of Ethics of the City shall be composed of three (3) residents of the City to be appointed as follows: the mayor and councilmembers shall each designate one (1) qualified citizen to provide a pool of ____ number of individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed. The City Clerk

shall maintain a listing of these qualified citizens. Upon receipt of a properly verified complaint and timely forwarding of that complaint to the city official charged in the complaint, the Mayor and Council, at the next regularly scheduled public meeting or at a specially called public meeting, shall draw names randomly from the listing of qualified citizens until three (3) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as chair.

Alternative D

- (a) The Municipal Court of the City of _____ shall hear and render decisions on all proper verified complaints filed under this ordinance.

- (b) All members of the Board of Ethics shall be residents of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.
- (c) All members of the Board of Ethics shall serve a ____-year term.
- (d) No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the City.
- (e) Members of the Board of Ethics with any permit or rezoning application pending before the city, or any pending or potential litigation against the city or any city official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.
- (f) The members of the Board of Ethics shall serve without compensation. The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.
- (g) No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.
- (h) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally

unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City of _____.

- (i) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.
- (j) Members of the Board of Ethics may be removed by majority vote of the city governing authority.

OR

- (j) Members of the Board of Ethics may be removed by majority vote of the city governing authority for cause including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.

Sec. ____ RECEIPT OF COMPLAINTS

Select Alternative A, B, C or D or draft another suitable alternative. If Alternative D is chosen, conform the language in the following sections by substituting “municipal court” for “board.”

Alternatives A & B

- (a) All complaints against city officials shall be filed with the Board of Ethics, who may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the city council or the Board of Ethics. Upon receipt of a complaint in proper form, the chair of the Board of Ethics shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.

Alternative C

- (a) All complaints against city officials shall be filed with the city clerk, who will give it to the Mayor and Council. The Mayor and Council may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the city council. Upon receipt of a complaint in proper form, the city clerk or the clerk’s designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.

Alternative D

- (a) All complaints against city officials shall be filed with the clerk of the Municipal Court of the City of _____. Upon receipt of a complaint in proper form, the municipal court clerk shall forward a copy of the

complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days.

- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.
- (c) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- (d) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.
- (e) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- (g) Findings of the Board of Ethics shall be submitted to the City Council for action.

Some elected officials raised concerns about potential misuse of the ethics complaint process for political purposes. The governing authority may elect to remain silent on this issue and allow local ethics complaints to be filed and processed at any time or the governing authority may consider Alternative A or B below or draft another suitable alternative.

Alternative A

- (h) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Alternative B

- (h) To discourage the filing of ethics complaints solely for political purposes, ethics complaints against a person seeking election as a city official, whether currently serving as a city official or not, which are filed between the date of qualifying for municipal office and the date of certification of the election results will be held and will not be processed until the election results for that office have been certified.

Sec. ____ SERVICE OF COMPLAINT

The city clerk or Board of Ethics as appointed herein set forth shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the Board of Ethics shall be rendered to Mayor and Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the city council to act upon any complaint.

Sec. ____ RIGHT TO APPEAL

- (a) Any city official or complainant adversely affected by the findings or recommendations of the Board of Ethics may obtain judicial review of such decision as provided in this Section.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of X County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.

Sec. ____ PENALTY

Any person violating any provision of this article is subject to:

- (a) Public reprimand or censure by the city council; or
- (b) Request for resignation by the city council.”

Section 2.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

Section 3.

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

Section 4.

The adoption date of this ordinance is _____ and the effective date of this ordinance shall be _____.

ORDAINED this ____ day of _____, _____.

City of _____

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney.

SAMPLE