



## CITY OF DAHLONEGA

### Council Work Session - Amended Agenda

January 18, 2022, 4:00 PM

Gary McCullough Council Chambers, Dahlonega City Hall

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

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#### OPEN MEETING

#### BOARDS & COMMITTEES:

1. Cemetery Committee—December 2021  
Chris Worick, Committee Chairman
2. Main Street – December 2021  
Ariel Alexander, Main Street/DDA Interim Main Street Manager

TOURISM: Sam McDuffie, Tourism Director

#### DEPARTMENT REPORTS:

3. Dahlonega Police Department – December 2021, George Albert, Chief of Police
4. Community Development – December 2021, Jameson Kinley, Planning and Zoning Administrator
5. Finance and Administration Department – December 2021, Allison Martin, Finance Director
6. Public Works - December 2021, Mark Buchanan, PW Director/City Engineer
7. Water & Wastewater Treatment Department Report - December 2021  
John Jarrard, Water/Wastewater Treatment Director

#### ITEMS FOR DISCUSSION:

8. Certified City of Ethics Program - Board Member Appointment  
JoAnne Taylor, Mayor
9. Georgia Mountains Regional Commissions Council Position  
JoAnne Taylor, Mayor
10. Cyber Security Plan Update  
Allison Martin, Finance Director
11. Asphalt Leveling and Resurfacing of City Streets in Dahlonega, GA In House Project 2022-002  
Vince Hunsinger, Capital Projects Manager
12. Local Maintenance and Improvement Grant (LMIG) Resurfacing 2022-001  
Vince Hunsinger, Capital Projects Manager
13. Mural Grant Information  
Ariel Alexander - Interim Main Street Manager

#### COMMENTS – PLEASE LIMIT TO THREE MINUTES

Clerk Comments  
City Manager Comments  
City Attorney Comments  
City Council Comments  
Mayor Comments

#### ADJOURNMENT



## Department Report

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Report Title: Cemetery Committee—December 2021  
Report Highlight: Daughters of American Revolution Grave Marking Ceremony.  
Name and Title: Chris Worick, Committee Chairman

Recently Completed:

- Historic African-American graves marked with permanent disks on October 4.





Underway:

- Procuring an iron bench for visitors at Mount Hope consistent with the one shown below in City Park



Near Term:

- Proposed bench location.



## Department Report

Report Title: Main Street – December 2021  
Report Highlight: Beginning strategic planning and developing annual work plan.  
Name and Title: Ariel Alexander, Main Street/DDA Interim Main Street Manager

Recently Completed:

- Redeveloped some aspects of the dahlonegadda.org website for easier public use. These changes included a “leave a comment” tab, more developed “shop, dine, stay” materials, and more accessible resources for small businesses.
- Met with First Night Dahlonaga for pre-event planning and for cancellation discussions.
- Hired Ashley Phipps to work as a part-time Event Coordinator for all city-wide events downtown.
- Staff participated in strategic planning training courses through the Department of Community Affairs.
- Sold four new wayfinding signs and installed those signs downtown.
- Worked with Old Fashioned Christmas Committee on all the Christmas festivities: Festival of Trees, Lighting of the Square, Carriage Rides, etc.)
- Held the annual Main Street/DDA Planning Retreat to identify transformation strategies and develop a one to two year work plan.
- Submitted the Main Street Annual Assessment requirements to the Department of Community Affairs.

Underway:

- Evaluating our status on completing the Annual Assessment of the Dahlonaga Main Street Program (due January 15, 2022).
- Ensuring all board members and staff have completed up-to-date training and have provided proof of completion to the DCA.
- Working with Old Fashioned Christmas Committee on all the Christmas festivities: Festival of Trees, Lighting of the Square, Carriage Rides, etc.)
- Developing online applications through OpenGov, a form submission service that will allow us to accept event applications virtually.
- Redeveloping available properties list and downtown business directory.





# Department Report

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Report Title: Dahlonega Police Department – December 2021  
Report Highlight: Hiring of two (2) Police Officers, Kyle Kupari and Christopher Weeks  
Name and Title: George Albert, Chief of Police

## Recently Completed:

- Hired Christopher Weeks and Kyle Kupari as Police Officers
- Received RADAR renewal license from Georgia Department of Public Safety
- Old Fashioned Christmas Tree Lighting Event
- Recall work completed on SUV
- Completed Chief Executive Training Class

## Underway:

- Verkadis camera system
- Exterior lighting for City Hall
- Inventory of equipment assigned to the Police Department
- Police Officer schedules and hours of operation
- FLOCK license plate readers

## Near Term:

- Uniforms, patches and badges for the department
- Vehicle graphics design change (completed 01-03-2022)



## Department Report

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Report Title: Community Development – December 2021  
Name and Title: Jameson Kinley, Planning and Zoning Administrator

Recently Completed:

New Residential Permits	4
New Commercial Permits	0
Residential Alteration Permits	7
Commercial Alteration Permits	2
Residential Building Inspections	116
Commercial Building Inspections	7
Plan Review	0
Soil Erosion Inspections	25
Grease Trap Inspections	13
Sign Permits	6
Sign Removals	17
Tree Removal Permit	0
Land Disturbance Permit	2
Home Occupations Inspections	3

Underway:

- UNG, under construction of retaining wall on Barlow Road
- WVWC Full-Service Carwash approved, waiting on build out plans
- NGU, Business center under construction
- Summit project still in planning stages
- Woody Pharmacy to open in January
- Anderson Townhomes within building planning stages
- Vickery awaiting resubmittal, expecting mid-January

Activity:

Animal Complaints	3
Debris/Removal of Items	2
Excessive Trash/Junk	3
Sign Removals	16
Traffic/Vehicle assistance	2
Parking Permits Issued	4
Square Parking Warnings/Tickets	2
Tickets Issues	42
Noise Complaint	2

Cemetery:

Open/Close

Mount Hope Cemetery: 3

Business:

New – 3

Northside Cardiovascular Institute LLC – 70 Mountain Drive

Bent Nail Residential Construction LLC – 354 Mountain Drive

The Country Cottage – 84 Public Sq North

Revenue:

Business Licenses	\$35,050.00
Permits	\$27,735.52
Cemetery	\$1,000
Total	\$63,785.52





## Department Report

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Report Title: Finance and Administration Department – December 2021  
Report Highlight: Audit 90% complete  
Name and Title: Allison Martin, Finance Director

### Recently Completed:

- Head House rehabilitation project contract executed with work to begin in January.
- Review of inactive meter service address yielded 63 meters to read.
- 2021 required immigration reporting complete.

### Underway:

- Website updates to include a searchable minute function and overall search engine refinement to create a better end user experience.
- Administration of American Rescue Plan (ARP) grant
- Redundant internet service to all city facilities has been built and IT is finalizing equipment and set up.
- Establish and setup Employee Portal on new software; implement and train employees on benefits and use.
- Historic Preservation Grant administration.
- Design onboarding and offboarding process for new employees.

### Near Term:

- Update financial policies.
- Update purchasing policy to include a vendor preference provision.
- Update employee evaluation forms and document procedures for employee review process
- Develop and implement employee meetings to provide appropriate training and update HR forms; promote employee education related to City retirement plans.
- Review of additional finance files in long-term storage to determine what should be destroyed per the retention schedule.
- Audit of Utility Billing address points against MSAG/E911/USPS data.



## Department Report

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Report Title: Public Works—December 2021

Report Highlight: COVID-related measures continue at a reduced level. Having exhausted available federal funding for these tasks, City Staff are performing these duties in house.

Name and Title: Mark Buchanan, PW Director/City Engineer

Recently Completed:

- In partnership with UNG, the bid process has been completed on a project that will provide a sidewalk/pedestrian trail and watermain extension along Morrison Moore Drive from Alumni Drive to South Chestatee. Approval process through GDOT and EPD is complete. Following execution of agreements with UNG, the project will be awarded and notice to proceed will be given.
- Bids were received for the Enota/Johnson Street project and project was awarded. Construction is ongoing.



- Asphalt markings throughout the city, partially funded through the GDOT LMIG Off-System Safety grant were bid, awarded and are in progress.



- City Park maintenance.





- Installation of Christmas lights and other decoration.







- Installation of parking meters on North and South Meaders.





Underway:

- Construction of the Oak Grove roundabout, a cooperative project between the City, Lumpkin County and GDOT. Currently, the roundabout is operational in all directions with limited brief closures. Expect street lighting to be installed in the coming weeks.



- Continued design of the Morrison Moore Pedestrian Bridge.
- Creation of a heavily revised set of Development Regulations.
- Discussions and planning in coordination with UNG and GDOT for a sidewalk along Morrison Moore Parkway from Calhoun Road to the new Public Safety building, previously Stake 'n Shake.
- Engineering design of projects at Choice Street and the Head House, Arcadia Street and Oliver Drive. The next project to bid is Oliver Drive.
- Mapping of City utilities by GMRC. This is an ongoing 2-year project.
- Working with Lumpkin County to ensure appropriate upgrades of Pine Tree Way related to elementary school construction.
- Awaiting responses to RFP for design firm for Park Street Water and Sewer upgrades.
- North Grove Sidewalk Repair/Replacement drawings ongoing.



## Department Report

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Report Title: Water & Wastewater Treatment Department Report December 2021

Report Highlight: With a lot of help from the Distribution Crew, all three filter rack modules were replaced at the water plant. The filter's life expectancy was prorated at 10 years. Counting the testing phase of the original filters, we were able to get 12 years out of the filters. Lessons learned from this process is to go ahead and replace the filters at the ten-year mark, when the filters hit the 11th year their efficiency starts decreasing drastically. On the wastewater side, the renewal application for our discharge permit was electronically sent to the state. The current permit does not expire until the end of June, 2022, but we are required to have the application submitted six months before expiration.

Name and Title: John Jarrard, Water/Wastewater Treatment Director

### Recently Completed

- All three filter rack modules replaced at the WTP (with Distribution Crew)
- Emergency Response Plan completed and certified with EPA
- Replaced power line to Torrington Lift Station (GA Power)
- Renewal Application for the WWTP Discharge Permit submitted to EPD
- Emergency Repair on Air Compressor B at WTP (Atlas CopCo)
- UV Bulb Replacement on all Rack #2 at WWTP

### Underway:

- Long Term BOD testing on WWTP Effluent water
- Cross-Connection Control Program and Backflow Prevention Program (joint work with other departments)
- Engineering of Rehab work for Barlow Lift Station (Bid out in February, 2022)
- Replacement of outside electrical disconnect boxes at the WWTP
- Motor Bearing replacement on Air Compressor A at WTP
- Design/Purchase Reservoir Boat
- Water Bottles (waiting on bottling company to receive bottles)
- Board replacement on footbridge at Dam

### Near Term:

- First half of the Watershed Study for fiscal year 2022
- Walmart Tank Altitude Valve Replacement
- Manifold Replacement at WTP
- 2021 Water Audit



# City Council Agenda Memo

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**DATE:** January 11, 2022  
**TITLE:** Certified City of Ethics Program - Board Member Appointment  
**PRESENTED BY:** JoAnne Taylor, Mayor

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## **AGENDA ITEM DESCRIPTION:**

The mayor and councilmembers shall each designate two qualified citizens to provide a pool of 14 individuals who have consented to serve as a member of such board of ethics and who will be available for two years to be called upon to serve in the event a board of ethics is appointed.

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## **HISTORY/PAST ACTION:**

The past Ethics Board Members were appointed in 2018 for a two-year term which ended in 2020.

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## **FINANCIAL IMPACT:**

None

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## **RECOMMENDATION:**

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## **SUGGESTED MOTIONS:**

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## **ATTACHMENTS:**

Ordinance 2004-3 – Ethics Resolution for the City of Dahlonaga  
Sec. 2-108 Board of Ethics – Municode Code of Ordinances  
GMA Certified City of Ethics Program Qualification Recertification

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**City of Dahlonega  
Ethics Resolution for the City of Dahlonega  
Council Members and Employees**

**A Resolution Establishing A Standard of Ethics For The City Of Dahlonega;  
Defining Terms; Establishing Legislative Intent; Setting Ethical Guidelines For  
Both Council Members and Employees**

Be it resolved by the City Council of Dahlonega and it is so resolved by the authority thereof that this resolution shall set ethical guidelines for the City Council and City Employees in the conduct of their duties:

**General Provisions**

**Section 1. Definitions.**

- (a) Employee shall be any person who is a fulltime or part-time employee of the City of Dahlonega.
- (b) City Council Member or Member of the Governing Authority shall be any person who is an elected City official, including the Mayor, of the City of Dahlonega.
- (c) Government, Governing Authority or City shall be construed to mean the City of Dahlonega, Georgia government.
- (d) Negligible value when used in this resolution shall mean something having a monetary value of not more than one hundred dollars (\$100.00).

**Section 2. Intent.**

It is the intent of this resolution that City Council Members and Employees avoid any action whether or not specifically prohibited which might result in, or create the appearance of the following:

- (1) using public office for private gain;
- (2) impeding government efficiency or economy; or
- (3) affecting adversely the confidence of the public in the integrity of the government.

## **Article A**

### **Standards for Council Members**

#### **Section 3. Acceptance of gifts.**

City Council Members shall not solicit or accept directly or indirectly anything of greater than negligible value from any person, corporation, or group which:

- (1) has, or is seeking to obtain contractual or other business or financial relationships with the City of Dahlonge;
- (2) in exchange for the thing of value seeks to have a Council Member exercise a matter of discretion in his or her favor;
- (3) in exchange for the thing of value seeks to have interests which may be affected by the performance or nonperformance of the official duty of the Council Member;

This section shall not apply to campaign contributions which shall be reported in accordance with Georgia Laws, and for the purposes of this section incidental acceptance of gifts without evidence of unethical intent in amounts not exceeding \$100.00 in value shall be deemed excluded from the activity proscribed above.

#### **Section 4. Financial interests of members.**

City Council Members may not:

- (1) have direct or indirect financial interests that conflict substantially with their responsibilities and duties as government servants; or
- (2) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained from their office. Aside from these restrictions, City Council Members are free to engage in lawful financial transactions to the same extent as private citizens.

"Interest" means any direct pecuniary benefit, which is not a remote interest held by or accruing to a member of the Governing Authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the City. A member of the Governing Authority shall be deemed to have an interest in transactions involving:

- (1) Any person in the member's immediate family;
- (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
- (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein; or
- (4) Any person of whom the member is a creditor, whether secured or unsecured.

## **Section 5. Use of public property.**

A City Council Member shall not use government property of any kind for other than officially approved activities, nor shall he or she direct employees to use such property for these purposes.

## **Section 6. Use of confidential information.**

A City Council Member shall not directly or indirectly, make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

## **Section 7. Coercion by Council Members.**

A City Council Member shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons within his immediate family, or those with whom a Council Member has business or financial ties.

## **Section 8. Voting in matters of personal interest.**

A City Council Member shall not vote on an ordinance or amendment in a City Council meeting that would directly affect his or her private business.

## **Section 9. Disqualification.**

A Member of the Governing Authority shall disqualify himself/herself from participating in any official act or action of the City which results in a pecuniary benefit to the member or a business or activity in which he/she has an interest, when such benefit is not available to the public at large.

## **Section 10. Disclosure of Conflicts of Interest.**

City Council members shall disclose the nature of any interest he/she has at the time such matter is presented to Mayor and Council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex-parte communications with other members regarding the application in which he/she has an interest.

## **Section 11. Prohibited Contracts.**

The City shall not enter into any contract involving services or property with a member of the Governing Authority or with a business in which a member of the Governing Authority has an interest. This section shall not apply in the case of:

- (a) The designation of a bank or trust company as a depository for City funds;
- (b) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;

(c) Contracts entered into in accordance with the Official Code of Georgia Annotated, §16-10-6;

(d) Contracts entered into under circumstances that constitute an emergency situation, provided that the Mayor prepares a written record explaining the emergency;

(e) Contracts entered into with a Member of the Governing Authority, or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the City Manager following disclosure.

### **Section 12. Unauthorized purchases.**

A City Council Member shall not order any goods and services for the City of Dahlonega without prior official authorization for such an expenditure.

### **Section 13. Meetings of the Council.**

Meetings of the Council shall be conducted in accordance with the Official Code of Georgia Annotated, Title 50, Chapter 14, as amended, and Title 36, Chapter 80, Section 1 as amended, as it applies to municipalities.

### **Section 14. City attorney used for private business.**

A City Council Member shall not use the City Attorney of the City of Dahlonega without paying just compensation.

### **Section 15. Unauthorized use of public employees.**

A City Council Member shall not use his superior position to request or require an employee to:

- (1) do clerical work on behalf of his family, business, social, church or fraternal interests;
- (2) purchase goods and services to be used for personal, business, or political purposes; and
- (3) work for him personally without offering just compensation.

### **Section 16. Travel expenses.**

A City Council Member shall not draw per diem or expense monies from the City of Dahlonega to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the City except for illness or other circumstances in which the demanding of a refund would be unjust.

## **Section 17. Penalties.**

The standards of ethics to be observed by City Council Members are set forth above and any violation thereof shall subject the offender to disciplinary action which may include a penalty in the nature of a warning imposed by the grievance committee of the City Council, and if determined by the City Council to require a penalty greater than a warning, then penalties available shall be censure, public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser.

## **ARTICLE B**

### **Administration Of Ethics Complaints Regarding City Council Members**

## **Section 18. Complaints.**

Any person having a complaint against any City Council member for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the Governing Authority. The complaint shall be filed with the Mayor, or in the event the complaint regards the Mayor, shall be filed with the Mayor Pro-Tem. Upon receipt of a complaint, the Mayor, or in the event the complaint regards the Mayor, the Mayor Pro-Tem shall appoint three members of Council, who, along with the City Attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the Board of Ethics. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the Board of Ethics, the Board shall be appointed as provided herein.

## **Section 19. Board of Ethics.**

### **(a) Composition of the Board of Ethics:**

(1) The Board of Ethics of the City shall be composed of five (5) residents of the City to be appointed as provided in paragraphs 2 and 3 of this subsection. Each member of the Board of Ethics shall have been a resident of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the City while serving as a Member of the Board of Ethics. 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, transaction, or official action of the City.

(2) The Mayor and Council Members shall each designate two (2) qualified citizens to provide a pool of fourteen (14) 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.

(3) The City Manager shall maintain a listing of these fourteen (14) qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the Board of Ethics, the Mayor and Council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until



the specified five (5) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as Chairman.

(4) The Members of the Board of Ethics shall serve without compensation. The Governing Authority of the City shall provide meeting space for the Board of Ethics. Subject to budgetary procedures and requirements of the City, the City shall provide the Board of Ethics with such supplies, equipment and legal support services as may be reasonably necessary for it to perform its duties and responsibilities. The City Attorney shall initially respond to legal support issues, but may then designate such other legal counsel as in the opinion of the City Attorney may be appropriate in consideration of potential conflicts and in keeping with the Code of Professional Responsibility.

(b) The constituted Board of Ethics shall have the following duties and powers:

(1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;

(2) To hold a hearing within sixty (60) days after the receipt of complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six (6) months;

(3) To prescribe forms, approved by the City Attorney, for the disclosure required in this Ordinance and to make available to the public information disclosed as provided in this section;

(4) To receive and hear complaints of violations of the standards required by this ordinance;

(5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this Ordinance.

(6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;

(7) To report its findings to the Governing Authority for such action as the Governing Authority deems appropriate.

## **Section 20. Additional regulations.**

This chapter shall be cumulative to any other ordinance, resolution or act now existing.

## **Section 21. Right to Appeal.**

Any final decision by the City Council pursuant to this resolution shall be reviewable by the Superior Court of Lumpkin County. The review by the superior court shall be limited to an inquiry of whether there was any evidence before the City Council which supported the decision of the Council.

## **ARTICLE C**

### **Conflict of Interest, Political Activities and Code of Ethics As To Employees Penalties and Methods of Enforcement**

#### **Section 22. Acceptance of gifts, gratuities, special privileges.**

(a) Employees shall not, other than items of negligible value, accept any gifts, loans, rewards, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value which are distributed generally nor to prohibit employees from accepting loans from regular lending institutions, it is particularly important that employees guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage or collusion.

(b) Employees shall not use or attempt to use their position to secure an economic benefit or advantages, special privileges or exemptions for themselves or others including the use of knowledge obtained by through their employment or by virtue of their position.

(c) Employees shall not accept employment or engage in any business or professional activity which they may reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.

(d) Employees shall not accept payment from outside sources for professional services (i.e., teaching, instructing, speaking engagements, consulting, honorariums) when such activities are done on city time or when such services pertain to the purchase or sale of city property.

#### **Section 23. Proprietorship of creations.**

All plans, designs, reports, specifications, drawings, devices, inventions, and other items produced or created by employees during working hours or through the use of city facilities or equipment or at the request of the City shall be and become the sole property of the City of Dhlonega.

#### **Section 24. Confidential information.**

Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.

#### **Section 25. Conflict of Interest.**

(a) If an employee of the City is an officer, director, agent or member of, or owns interest any entity which is subject to the regulation of, or which has financial commitments with the City, they shall file a sworn statement to this effect with the City clerk.

(b) Employees shall not transact any business in their official capacity with any business entity of which he or she is an officer, director, agent, member, or in which he or she owns

a controlling interest, excluding civic, charitable or religious organizations.

(c) Employees shall not have personal investment in any enterprise which will create a conflict or a perceived conflict between their private interest and the public interest.

## **Section 26. Political activity.**

(a) No person employed by the City shall either publicly or otherwise hold himself out as a candidate in any City of Dahlonge election while holding employment with the City.

(b) City employees shall not take part in any political management or political campaigns in election of Mayor or any member of the City Council for the City of Dahlonge during any period of time for which he is expected to perform work or receive compensation from the City.

(c) No employee, official or other person shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during his hours of duty, service, or work with the City.

(d) Employees shall not represent the City by wearing any uniform or portion thereof that is issued by the City while he is participating in any campaign at any time.

(e) The City in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after work hours, or to campaign actively during off duty hours in all areas of political activity.

(f) Employees shall not utilize any City equipment or vehicles in support of any political campaign.

## **Section 27. Limitations and approval requirement regarding outside employment.**

(a) City employment shall be considered to be the primary employment of all full-time employees. No employee may engage in outside employment which will interfere with the interests of city service. Standards by which some employment is not acceptable include, but is not limited to:

- (1) illegal activity;
- (2) employment that by virtue of association will reflect upon the reputation of the City;
- (3) high hazard or fatiguing work which might detract from or reduce City performance.

(b) Prior to beginning any regularly scheduled outside employment, employees will obtain specific written approval from their City Manager or his designee on request forms which indicate the name of the outside employer, the nature of the work, schedule of days and hours of work, address and telephone number where the employee can be reached. Such information will become a part of the employee's official personnel record. Employees are required to obtain approval from their or his designee for any change in a previously



approved outside employment request.


(c) Any employee accepting or engaging in outside employment under the terms of this rule shall make arrangements with the outside employer to be available to respond immediately to any emergency call of duty whenever the City Manager or his designee shall determine that the employee's services are necessary.

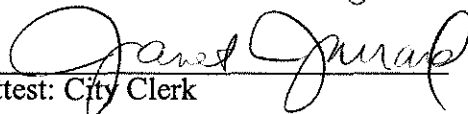
(d) Employees sustaining injuries while engaged in outside employment are normally ineligible to receive benefits under the City's Worker's Compensation program. If an employee sustains an injury while engaged in outside employment, but is performing duties, within the scope of his city responsibilities, he may be eligible for partial City Worker's Compensation benefits.

### **Section 28. Administration and Penalties.**

Failure to comply with the provisions of this Section will result in disciplinary action consistent with the City of Dahlonga personnel policy.

It is so resolved this 12<sup>th</sup> day of July, 2004.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Attest: City Clerk

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## **Sec. 2-108. Board of ethics.**

### **(a) *Composition.***

- (1) The board of ethics of the city shall be composed of five residents of the city to be appointed as provided in subsections (a)(2) and (3) of this section. Each member of the board of ethics shall have been a resident of the city for at least one year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the preceding one-year period, any interest in any contract, transaction, or official action of the city.
- (2) The mayor and councilmembers shall each designate two qualified citizens to provide a pool of 14 individuals who have consented to serve as a member of such board of ethics and who will be available for a period of two years to be called upon to serve in the event a board of ethics is appointed.
- (3) The city manager or his designee shall maintain a listing of these 14 qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the board of ethics, the mayor and council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five members of the board of ethics have been appointed. Such board will elect one of its members to serve as chairperson.
- (4) The members of the board of ethics shall serve without compensation. The city council shall provide meeting space for the board of ethics. Subject to budgetary procedures and requirements of the city, the city shall provide the board of ethics with such supplies, equipment and legal support services as may be reasonably necessary for it to perform its duties and responsibilities. The city attorney shall initially respond to legal support issues, but may then designate such other legal counsel as, in the opinion of the city attorney, may be appropriate in consideration of potential conflicts and in keeping with the code of professional responsibility.

### **(b) *Duties and powers.*** The constituted board of ethics shall have the following duties and powers:

- (1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;
- (2) To hold a hearing within 60 days after the receipt of a complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six months;
- (3) To prescribe forms, approved by the city attorney, for the disclosure required in this article and to make available to the public information disclosed as provided in this section;
- (4) To receive and hear complaints of violations of the standards required by this article;
- (5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this article;
- (6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
- (7) To report its findings to the city council for such action as the city council deems appropriate.

( Ord. No. 2004-3, § 19, 7-12-2004 )



President  
Linda Blechinger  
Mayor, Auburn

First Vice President  
Phil Best  
Mayor, Dublin

Second Vice President  
Vince Williams  
Mayor, Union City

Third Vice President  
Jim Thornton  
Mayor, LaGrange

Immediate Past President  
Dorothy Hubbard  
Mayor, Albany

Executive Director  
Larry H. Hanson

January 4, 2019

Mayor Sam Norton  
City of Dahlonega  
465 Riley Road  
Dahlonega, GA 30533-0810

**RE: GMA Certified City of Ethics Program**

Dear Mayor:

Congratulations. The GMA Ethics Certification Committee has determined that the City of Dahlonega meets the qualifications to be recertified as a Georgia Certified City of Ethics.

We will officially recognize the city's continuing participation in this program at the Awards Luncheon to be held at the 2019 Mayor's Day Conference on Sunday, January 27, 2019 at 12:15 pm in the Grand Ballroom of the Atlanta Hilton Hotel. Your city is one of many in the state that has met the requirements for recertification. Representatives from the cities will be asked to stand as a group during the Certified Cities of Ethics presentation. In addition, the names of each of the cities will appear on a special Awards Luncheon presentation.

The Awards Luncheon will require a separate ticket for individuals who are not registered for the Mayor's Day Conference. Tickets may be purchased at the registration desk during the conference.

We appreciate the City of Dahlonega's participation in this important program. If you have any questions about the recognition at the 2019 Mayor's Day Conference, please contact Gina Shirley at (678) 686-6258 or by emailing [rs Shirley@gmanet.com](mailto:rs Shirley@gmanet.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan J. Moore".

Susan J. Moore  
GMA General Counsel

C: Mary Csukas, City Clerk





# City Council Agenda Memo

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**DATE:** January 11, 2022  
**TITLE:** Georgia Mountains Regional Commissions Council Position  
**PRESENTED BY:** Mary Csukas, City Clerk

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## **AGENDA ITEM DESCRIPTION:**

Gina Kessler, the Executive Assistant at GMRC, needs to fill the vacant position left by retiring Mayor Sam Norton. The seat can be filled by any elected official for the City of Dahlonega.

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## **HISTORY/PAST ACTION:**

The GMRC Council meets the last Thursday of every month at 6:00 p.m., if in person or 5:00 p.m. if Zoom. The in-person meetings rotate throughout the region.

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## **FINANCIAL IMPACT:**

None

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## **RECOMMENDATION:**

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## **SUGGESTED MOTIONS:**

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## **ATTACHMENTS:**

GMRC Bylaws

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# BYLAWS OF THE GEORGIA MOUNTAINS REGIONAL COMMISSION

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By Authority of Article 2, Chapter 8 of Title 50  
Of the Official Code of Georgia Annotated  
As Amended by House Bill 1216

## ARTICLE I NAME, CREATION, AND LOCATION

- SECTION I:** **Name.** The official name of this organization shall be the Georgia Mountains Regional Commission; hereinafter called the "Commission." The governing body of the Georgia Mountains Regional Commission shall be Council of the Georgia Mountains Regional Commission, hereinafter called the "Council."
- SECTION II:** **Creation.** The organization was created in 1962 pursuant to resolutions and ordinances adopted by its member governments. These Bylaws constitute restated Bylaws approved by its membership and adopted July 1, 2009 and amend and supersede all Bylaws in force and effect through the date of these amended Bylaws, this amendment being adopted in conformity with the Georgia Planning Act (the "Act"), as amended, enacted by the legislature of the State of Georgia providing for Regional Commissions and with an effective date of July 1, 2009.
- SECTION III:** **Location.** The principal office of the Commission shall be located at such place as the Council (as hereinafter defined) shall determine and as reported to the Georgia Secretary of State. At all such times the principal office of the Commission shall be located within the geographic boundaries of the Georgia Mountains Region ("Region"). The establishment of a principal office shall not preclude the establishment of additional office locations at some point in the future.

## ARTICLE II MEMBERSHIP

- SECTION I:** **Member Counties.** Member counties of the Commission are Banks, Dawson, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, and White. As used in these Bylaws, the terms "Region" shall refer to the geographic boundary represented by these Member Counties.
- SECTION II:** **Member Municipalities.** Municipalities within a member county are members of the Commission. Where a municipality is located in two or more counties, membership shall be determined by the member status of the county in which the municipality is chartered. Member municipalities are: Alto, Avalon, Baldwin, Blairsville, Bowersville, Canon, Carnesville, Clarkesville, Clayton, Clermont, Cleveland, Cornelia, Dahlonega, Dawsonville, Demorest, Dillard, Flowery Branch, Franklin Springs, Gainesville, Gillsville, Hartwell, Helen, Hiawassee, Homer, Lavonia, Lula, Martin, Maysville, Mt. Airy, Mountain City, Oakwood, Royston, Sky Valley, Tallulah Falls, Tiger, Toccoa, and Young Harris.
- SECTION III:** **Active Membership.** An active member in the Commission shall be a county or municipality as provided in Article II, Sections I and II, which is:
- A. Current in payment of local assessments (dues) as established by the Council;

- B. Properly represented by membership on the Council as provided in the Act and these Bylaws; and
- C. Maintains member representative attendance sufficient to enable participation in the planning process of the Commission as set forth in these Bylaws.

**SECTION IV: Changes in Membership.** Any change in the membership of the Commission as provided in Article II, Sections I and II shall be in accordance with a resolution of the Georgia Department of Community Affairs adopted pursuant to 50-8-4 (f) of the Official Code of Georgia, as the same may be amended from time to time.

**SECTION V: Member Dues.** Member governments shall pay annual dues for membership to the Commission. The Council shall determine as necessary, on a per capita basis, the dues assessment which shall be required from its member governments.

### **ARTICLE III PURPOSES AND FUNCTIONS**

**SECTION I: Overall Purpose.** The Commission shall be an organization constituted to serve its members and shall be member driven. The purpose of the Commission shall be to create, promote, and foster the growth, economic prosperity, and continuing development of the industrial, civic, commercial, educational, natural, and human resources of the region and member communities. The Commission shall function as the regional planning entity for land use, economic development, GIS, transportation, historic preservation planning, and workforce development.

**SECTION II: Specific Purposes.** Consistent with the Commission's overall purpose, the Georgia Mountains Regional Commission shall seek to achieve the following specific purposes:

- A. To encourage, promote, and pursue programs and policies which will achieve distribution of population, land development, and land use within the Region that will facilitate the effective delivery of public services and the location of appropriate public facilities;
- B. To encourage, promote, and pursue programs and policies to improve the quality of life within the Region of its jurisdiction through the protection and enhancement of the Region's sensitive natural resources, environmental quality, and heritage;
- C. To encourage, promote, and pursue programs and policies which will provide improved coordination among governmental agencies striving to serve the Region;
- D. To encourage, promote, and pursue programs and policies to improve and strengthen the fiscal capabilities of local governments within the Region including securing alternative sources of funding and increasing the effectiveness of services performed by local governments within the Region;
- E. To encourage, promote, and pursue programs and policies which will facilitate economic growth, expansion of job opportunities and the tax base;
- F. To encourage, promote, and pursue programs and policies through which transportation needs within the Region can be served in an efficient and effective manner and;
- G. To encourage, promote, and pursue programs and policies to assist local governments



in preparing and implementing comprehensive plans that will develop and promote the essential public interests of the state and its citizens, and which will advance positive governmental relations among the state, regional and local levels.

**SECTION III: Programmatic Services.** The Georgia Mountains Regional Commission shall serve the local governments with active membership status in the Region by providing services of, or permitted by, this organization by the Act which at a minimum includes:

- A. Coordinate and assist member local governments in preparing, revising and updating local plans for submission to the Commission;
- B. Provide technical assistance to members for the purpose of improving the effectiveness and efficiency of local service delivery;
- C. Prepare and maintain a regional plan to be adopted by the Georgia Mountains Regional Commission's Council in accordance with the act and prescribed procedures and guidelines;
- D. Review and approve local plans submitted by members in accordance with the Minimum Planning Standards established by the State of Georgia and in conformance with the requirements of § 50-8-36 of the Official Code of Georgia;
- E. Operate a mediation process to resolve conflicts between two or more local governments or local government(s) and the Commission;
- F. Participate in compiling a Georgia data base and network in accordance with State guidelines;
- G. Assist in the preparation, review and evaluation of applications to the United States Government and/or the State of Georgia for loans or grants to municipalities, counties, authorities, commissions, Councils, and/or agencies within the Region for consistency with adopted regional plans and policies;
- H. Engage in a continuous program of research, study and planning of matters affecting the Region, including, but not limited to, land use, water resources, housing, transportation, waste disposal, recreation, environmental quality, and economic development, and to pursue the implementation of the recommendations developed from these programs;
- I. Serve as the official planning agency for the Region, especially when the designation of an area or regional planning agency shall be required under the provision of state and/or federal loan and grant programs;
- J. Enter into all contracts or agreements necessary for performance of its responsibilities.
- K. Administer and manage federal or state revolving loan programs or loan packaging programs;
- L. Serve as the liaison with other governments, including federal government agencies and state agencies, for its members;
- M. Adopt a regional plan for the Region, which shall take into consideration (1) issues and opportunities facing the region, (2) the recommendations of the Commissioner

of the Department of Community Affairs regarding such issues and opportunities, and (3) the local plans for the Region; and

- N. The exercise of any of those powers granted to the Commission pursuant to 50-8-35 of the Official Code of Georgia, as the same may be amended from time to time.

#### ARTICLE IV COUNCIL

**SECTION I: Composition.** The Council of the GMRC shall be appointees representing the twelve (12) counties and thirty-seven (37) cities of the Region. The Council shall be structured consistent with the requirements of the Official Code of Georgia Annotated, Section 50-8-34, and shall maintain active membership as referenced in Article II, Section 3 above. Membership on the Council shall be determined as follows:

- A. County Officials: The Council shall include the chief elected official of each county governing body within the Region. If the chief elected official for a county is unable to serve on the council, he or she shall appoint another elected county official. In the event a county within the Region is or shall become a consolidated government with no other municipality within that county, then a second elected official of such consolidated government shall be appointed to the council by the chief elected official for the county.
- B. City Officials: The Council shall include members who are elected city officials appointed on the basis of one from each member county within the Region. In those counties in which there is only one city, the city official representative shall be an elected official of that one city. In those counties in which there is more than one city, the method of determining the city official appointment from that county shall be determined by the cities within that county.
- C. Private Sector: Additional members shall serve on the Council as allowed by Commissioner of the Department of Community Affairs pursuant to OC.G.A. § 50-8-34(b)(5). Such members shall not be public officials. Such members shall reside within the Region. These members shall be chosen by the Council after seeking the advice of the host county (the county from which the member will come) and the collective cities of that county. Appointees should be active members of the business or professional community represented, and shall be capable of representing the broad private sector business interests of the county from which he or she is appointed.
- D. The current Governor of the State of Georgia and his successors in office shall appoint three (3) members to the Council. One shall be a current school superintendent or an elected school board member serving within the Region. Two additional members shall be non-public (private sector) members. Each of the Governor's appointments shall be a resident of the Region.
- E. The Council shall include one (1) non-public (private sector) member appointed by the current Lt. Governor of the State of Georgia and his successors in office which non-public member shall be a resident of the Region.
- F. The Council shall include one (1) non-public (private sector) member appointed by the current Speaker of the House of the State of Georgia and his successors in office which non-public member shall be a resident of the Region.

All appointees shall be certified to the GMRC prior to July 1<sup>st</sup> of each year. Membership on the Council shall become effective as of the first day of July of each year. Vacancies on the

Council shall be filled according to the selection procedures outlined above.

**SECTION II: Chief Elected Official.** For the purposes of these Bylaws, Chief Elected Official means the official of any county or municipality elected in a public election as chief elected official (regardless of whether the position is called Chairman, Mayor, or by any other designation). For those local member governments where no person is elected as chief elected official, a member of the governing body may be designated by resolution of the governing body to serve on a caucus or the Council when specified as the chief elected official.

**SECTION III: Terms.** Terms of members of the Council shall be as follows:

- A. The default term of all members shall be for one year and until the member's successor is elected or appointed, or as otherwise expressly stated as follows:
  - 1. Elected officials serving on the Council shall serve concurrent with their elected term of office.
  - 2. Private sector members of the Council shall serve for a term of one year.
  - 3. Appointments by the Governor, Lieutenant Governor, and the Speaker of the House of Representatives, and their successors shall serve for a term of two years.
- B. Terms shall run from July 1<sup>st</sup> of one year to June 30<sup>th</sup> of the following year and vacancies during this period are filled for the remainder of the unexpired term.
- C. The term of a member shall be terminated immediately upon:
  - 1. Resignation of the member;
  - 2. Death of the member or inability to serve as a member due to medical infirmity or other incapacity;
  - 3. Any change in local elective office or residence of the member (i.e. moves outside the region) which would cause the composition of the Council not to comply with requirements of State law or these Bylaws; or
  - 4. The failure to attend three (3) consecutive meetings of the Council. By failing to attend three consecutive meetings of the Council, the member so absent shall be deemed to have elected not to serve, thus creating a vacancy as to that Council membership to be filled according to the Bylaws. The Council Member so failing to attend meetings shall not be eligible to fill the vacancy created by said absence. The use of a proxy to cast a vote as described in Article IV, Paragraph 4(E) below, shall count as being present at a meeting.
  - 5. The foregoing notwithstanding, the Executive Committee of the GMRC shall have the ability to excuse absences or suspend attendance requirements for the Council or any subset of the Council because of war, riot, strike, natural disaster, terrorist attack, epidemic, pandemic, significant illness as determined by the Executive Committee, act of God, or other unforeseen action or circumstances which makes travel and attendance at a meeting of the Council to be impossible, impracticable, or dangerous to self or others.

**SECTION IV: Votes and Voting.** Unless otherwise specified, each active member of the Council shall have one vote.

- A. Caucus for purposes of this section is an informal meeting group of Council members or designated representatives of member local governments. A caucus shall be

governed by such rules as the members of the group required to caucus shall determine among themselves. The caucus shall, however, decide action on the basis of members present, and declare established rules (i.e., plurality or majority vote).

- B. Votes of the Council shall be counted based on Council members qualified under Article IV, Sections 1 through 4 above and in attendance. Proxies shall be permitted only as described in paragraph 4(E), below. Other than as provided herein, a Council member shall not assign the right of vote to another individual.
- C. Except as otherwise provided in these Bylaws, Council action on plans and programs, votes of commendation or censure, matters of Commission policy, or general resolutions shall be approved by a majority vote of the quorum which is at least 25 percent of the active membership as outlined in Article IV, Section 5(h) below. For the purpose of calculating quorum, proxies possessing written proxy forms shall be included.
- D. Upon direction of the Chairman, voting may be taken based on a roll call of each appointee to the Council, with each appointee indicating his/her vote, and all absent appointees so noted for recording and verifying said vote.

**SECTION V: Proxies.** In the event that a member of the Council cannot attend a meeting of the Council, the member may nevertheless have his or her vote on issues presented to the Council cast by a written proxy. The use of a proxy is governed by the following requirements:

- A. Not later than one (1) day prior to the meeting at which a proxy will be used, the Council member desiring to cast his or her vote by proxy shall request a proxy form from the Commission by contacting the Commission's principal office.
- B. The proxy form transmitted to the Council member shall include on it those matters which are expected to come before the Council for a vote at the given meeting. Upon this form, the Council member shall indicate his or her vote (aye, nay, abstain) on each issue identified. The Council member shall sign the form and have it notarized. The Council member shall also indicate on said form "who" it is that shall serve as the proxy to cast the indicated votes.
- C. The proxy may not cast a vote on any issue, motion, amendment to a motion, or other matter presented for a vote which is not specifically identified on the proxy form or for which the absent Council member has not indicated his or her voting preference.

**SECTION VI: Meetings.** The Council shall hold regular meetings not less than ten times in each year beginning on July 1st and continuing through the next June 30<sup>th</sup> as provided in the Act. Additionally:

- A. The Council's meeting schedule shall be established by the Chairman at the beginning of each fiscal year, including designated meetings provided in these Bylaws, to facilitate meeting arrangements, to protect dates from conflicting with schedules, and to promote the goal of full membership attendance. The Chairman may cancel and reschedule meetings when significant circumstances or conditions indicate the purpose of the meeting cannot be achieved, included but not limited to inclement weather.
- B. The last meeting of the fiscal year, normally in June, shall be the annual business meeting of the Council. The agenda shall include, among other business, approval of the annual work plan and budget.
- C. Special or called meetings of the Council may be called by the Chairman or written



notice of 10 members of the Council qualified under Article IV, Section 1 above, when determined necessary for the purpose of transacting Commission business. Such meeting notice shall be provided to Council members at least 72 hours in advance of the meeting, and the notice shall set the date, time, place, and agenda for the meeting. Special meetings shall be called for a specific purpose and only the purpose for which the meeting was called shall be discussed.

- D. The Commission may conduct a workshop(s) or retreat(s) for Council members and invitees on a significant regional issue during the year and regular Council meetings may be held in conjunction with these functions.
- E. One or more occasions may be conducted annually for Council members, local officials, and invited friends of the Commission to recognize contributions to growth and development of the Region. The costs of any such occasion shall be paid from authorized fund accounts or sources.
- F. Meetings of the Council shall be conducted in conformance with the applicable provisions of the Georgia Open Meetings law.
- G. There shall be an agenda for each meeting, listing the items to be considered and when appropriate, information relating to such items.
- H. A quorum shall be required for any official meeting. A quorum shall consist of at least 25% of the active membership qualified under this article.
- I. A written record (minutes) shall be kept of all actions taken at the Council and Committee meetings. Such record shall describe the subject considered, the motions made, a brief summary of discussion of the motion, if any, and the results of the vote on the motion.
- J. Except as otherwise provided, all meetings of the Council shall be conducted in accordance with ROBERT'S RULES OF ORDER, as amended.

**SECTION VII: Reimbursement of Expenses.** Council members may receive reimbursement for travel expenses in accordance with the Commission's Travel Policy incurred for out of Region attendance to Commission related functions as an official representative of the Commission under the following conditions:

- A. The Chairman shall authorize Council member attendance to the out of Region function(s) prior to the Council member incurring expenses and in consultation with the Executive Director regarding budget provisions;
- B. Amounts will be reimbursable under the established per diem rates and shall be limited to expenses of the Council member only (spouse or guest expenses are not allowable under State law) and shall be based on travel policies in effect for reimbursement of staff allowable costs;
- C. Amounts will be reimbursed under the established per diem allowance and upon submission of required payment requests and vouchers (allowance includes any expenses paid directly by GMRC such as transportation [i.e., airfare], meals, lodging, and/or registration [including meals]).

**SECTION VIII: Training.** All new members shall attend an orientation training session within the first

six months of appointment to the Council. Existing members shall attend training at least once every two years. Failure to attend training shall result in removal from the Council. The Executive Director shall establish a training program and provide training once per year or as needed. Upon the approval of the Executive Committee, training may be provided by teleconference.

## **ARTICLE V**

### **DUTIES OF THE COUNCIL**

1. Management: The Council shall manage the Commission's affairs in accordance with these Bylaws. It shall direct the investment and care of the funds of the Commission; make appropriations for specific purposes directly connected with Commission activities; take measures to advance the interests of the Commission and its member local governments; and generally direct its business in accordance with the powers, duties, and responsibilities pursuant to the Act and these Bylaws.
2. Executive Director: The Council shall employ a full time Executive Director, the chief administrative official responsible for the day-to-day administration of the Commission, and may remove the Executive Director in accordance with the provisions of Article VII, Section 3 of these Bylaws.
3. Committees: In addition to provisions in these Bylaws, the Chairman of the Council may appoint committees and committee members as the Chairman shall deem appropriate, except the Nominating Committee. The Nominating Committee shall be appointed by the Council.
4. Annual Work Plan and Budget: The Council shall adopt the Commission's annual work plan and budget for the next fiscal year on or before June 30<sup>th</sup> of each year.
5. Local Assessments (Dues): The Council shall review population figures provided by the Georgia Department of Community Affairs as the basis for per capita assessments to be paid to the Commission and, as part of the annual budget process, establish the per capita rate.
6. Review Comprehensive Land Use Plans: The Council, or appropriate committee, shall review and evaluate all land use plans concerned with the Region and recommend modifications of any local and regional plan, or any part thereof, which is inconsistent with regional policies and development guidelines established by the Council. The Council shall also review other plans as may be required.
7. Personnel Policies and Practices: The Council shall adopt personnel policies and practices with specific reference to job descriptions and qualifications pursuant to provisions in the Act.
8. Financial Policies and Procedures: The Council shall adopt Financial Policies and Procedures for the organization for oversight and fiscal responsibilities.
9. Auditor: The Council shall determine the selection of an independent auditor for the Commission who shall be a Certified Public Accountant qualified and experienced in governmental accounting.
10. Reports: The Council shall review and approve quarterly financial statements of accounts and an annual audit by an independent auditor for submission in accordance with the Act and other applicable State law.
11. Performance Standards: The Council shall review and approve performance standards to provide for the measurement of the approved work plan of the Commission.

**ARTICLE VI**  
**OFFICERS AND DUTIES**

- SECTION I: Officers.** The officers of the Council shall consist of a Chairman, Vice Chairman, and Secretary. The Chairman, Vice Chairman, and Secretary shall be elected by the Council from among its membership qualified under Article IV, Section I, in accordance with these amended Bylaws. The Executive Director is automatically designated to serve as the Assistant Secretary and the Treasurer.
- SECTION II: Nomination.** In each year in which a slate of officers is to be elected for a two-year term, a nominating committee shall be established by the March meeting of the Council to nominate a Chairman, Vice Chairman, and Secretary. The nominating committee shall consist of five members, equitably representing the Council, and shall be recommended by the Chairman subject to approval by a quorum of the Council as defined in this document. The nominating committee shall make its report at, or before, the April Council meeting. Nominations may also be made from the floor prior to a vote by the Council.
- SECTION III: Election.** The election of officers shall be conducted on or before the meeting of the Council in May. The nominee for each office receiving a majority vote of the quorum, which is at least 25% of the active membership as outlined in Article IV, Section 5(h) shall be declared elected.
- SECTION IV: Term.** Elected and appointed officers shall serve a term of two (2) years commencing on July 1<sup>st</sup> of the odd numbered years.
- SECTION V: Succession.** An individual elected as Chairman, Vice Chairman, or Secretary is eligible to be re-elected to three consecutive terms in the same office. Thereafter, the individual is not eligible for election to the same position unless there is a break in service of at least one year.
- SECTION VI: Vacancy.** In the event of a vacancy in the office of the Chairman, Vice Chairman, and/or Secretary, the Council shall elect a replacement from among its membership to fill the unexpired term. The election may be held at a regular or called meeting of the Council providing members are given a minimum 10 days notice.
- SECTION VII: Power and Duties of the Chairman.** The powers and duties of the Chairman shall be as follows:
- A. Preside at all meetings of the Council;
  - B. Serve as chief policy advocate of the Commission;
  - C. Exercise general oversight of all the affairs of the Commission;
  - D. Authenticate, by signature, resolutions adopted by the Council;
  - E. Represent or designate representative(s) of the Commission at hearings, conferences, and other events as required;
  - F. Appoint all committees of the Council except the Nominating Committee and serve as an ex-officio member of all appointed committees;
  - G. Appoint nominees and Council liaison to advisory committees/councils of the

Council;

- H. Recommend nominees or appoint representatives or liaisons to affiliate organizations when requested or notified by the affiliate organization;
- I. Appoint an acting Executive Director in the event of disability of the Executive Director or until the Council can discharge its duties if the position of Executive Director becomes vacant;
- J. Jointly execute contracts with the Executive Director pursuant to the Act; and
- K. Carry out such other duties as provided in these Bylaws or actions and resolutions of the Council.

**SECTION VIII: Powers and Duties of the Vice-Chairman.** During the absence or disability of the Chairman or in the event that a vacancy occurs in the office of Chairman, the Vice Chairman shall exercise all the powers and discharge all duties of the Chairman.

**SECTION IX: Powers and Duties of the Secretary.** The powers and duties of the Secretary shall be as follows:

- A. Authenticate, by signature, the official minutes of the Council;
- B. Witness or attest to signature(s) on these Bylaws, their Amendments, and Resolutions of the Council;
- C. In the absence of the Chairman and Vice Chairman, exercise all the powers and discharge all the duties of the Chairman.

## **ARTICLE VII EXECUTIVE DIRECTOR**

**SECTION I: Appointment.** The Active Membership of the Council shall appoint an Executive Director for an indefinite term. The Council membership shall be notified at least 10 days prior to a vote. A majority vote of the active membership of the Council is required to appoint the Executive Director. The appointee need not be a resident of the Region nor of the state at the time of his/her appointment.

**SECTION II: Qualifications.** The Executive Director shall have the following minimum qualifications:

- A. Be a citizen of the United States;
- B. Have a minimum of a baccalaureate degree from an accredited college or university (a graduate degree, or comparable experience, in a field related to management, planning, and/or administration, although not required, is desirable);
- C. Have demonstrated public speaking and writing skills;
- D. Have acquired progressive experience in personnel management; and
- E. Have the ability to work effectively with councils, commissions, and committees; to plan, monitor and evaluate budgets; to manage people; to organize, plan, and implement activities appropriate to further the Commission's goals.

**SECTION III: Removal.** The membership of the Council shall be notified at least 10 days prior to a vote.

A majority of the active membership of the Council, shall be required to remove the Executive Director. The Executive Director may be removed by the Officers of the Council for just cause subject to approval of the Council at the next Council meeting.

**SECTION IV: Powers and Duties.** The Executive Director shall be the Chief Administrative Officer of the Commission. He or she shall be responsible to the Council for the administration of the Commission's affairs placed in his charge by or under these Bylaws and for implementing policy directive of the Council. He shall have the following powers and duties:

- A. Appoint and, when necessary, suspend or remove any employee of the Commission;
- B. Authorize fair and competitive salaries and employee benefits for Commission personnel in accordance with the personnel rules, the personnel classification and pay plan, and the budget as adopted by the Active Membership of the Council;
- C. Set up and modify the organization of staff and staff functions as necessary or appropriate to effectively and efficiently carry out Commission programs and to maintain financial capabilities of the Commission;
- D. Authorize reimbursement procedures and rates for travel and per diem expenses consistent with State and Federal program guidelines;
- E. Authorize Commission membership in state or national associations of benefit to the Commission or programs it may undertake;
- F. Authorize expenses within budget limits and fiscal procedures for purposes directly related to the operation of the Commission offices or its programs including:
  1. Purchase of an item or service, rental or lease of an item, or securing a service by retainer specifically budgeted and approved by the Council in action to adopt the budget;
  2. Purchase of an item or service or otherwise authorize expenditure of funds in accordance with the Procurement Policy adopted by the Council;
  3. Rental or lease of equipment or space without Council approval providing the lease does not present a commitment beyond the current fiscal year or can be terminated with 30 days or less notice; and
  4. Rental or lease of equipment or space with Council approval when the agreement involves a long-term commitment.
- G. Execute contracts in conjunction with the Chairman as required by state law with program funding sources and program service providers on behalf of the Commission as authorized in the approved annual work plan and budget or with the authorization of the Council if not included in the approved work plan and budget;
- H. Open and maintain bank accounts and investment accounts in the name of the Commission and collect and deposit monies due to the Commission in such accounts in accordance with State laws;
- I. Authorize the issuance of all checks of the Commission in accordance with established fiscal procedures;
- J. Obtain suitable bond, as required by the Council, and funding resources;



- K. Ensure that all provisions of laws affecting the Commission are enforced and executed as intended;
- L. Prepare the agenda for and attend all Council meetings with the right to take part in discussion but without a vote;
- M. Prepare a proposed annual work plan and budget for submission to, and subsequent adoption by, the Council, and upon the Council adoption, execute the work plan and budget;
- N. Keep the Council advised as to the progress on the work plan of the Commission and make recommendations to the Council concerning the affairs and operations of the Commission as deemed appropriate or necessary;
- O. Report to the Council on all matters affecting the organization as directed by the Council;
- P. Make recommendations to the Council on producing comprehensive plans, development guides, evaluation of grants and local plans, and other such matters as might be requested by the Council;
- Q. Seek supplemental funding on behalf of the Commission in the manner established by the Georgia Department of Community Affairs to determine eligibility for such supplemental funding; and
- R. Perform other duties as required or prescribed by the Council.

**SECTION V:**     **Compensation.** The salary of the Executive Director shall be fixed by the Council at the time of his or her appointment consistent with the Personnel Classification and Pay Plan. The Executive Director shall thereafter be reviewed not less than annually by the Executive Committee as measured by standards developed by the Council. Salary increments based on performance review shall be consistent with the Commission's Salary Administration Regulations.

## ARTICLE VIII

### PERSONNEL ADMINISTRATION

**SECTION I:**     **Merit Principle.** All appointments and promotions of employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

**SECTION II:**    **Personnel Rules.** The Executive Director shall prepare personnel rules for the Commission and submit them to the Council for adoption. These rules shall provide for:

- A. The classification of all positions and the administration of the classification plan;
- B. A pay plan for all positions and the administration of the pay plan;
- C. The hours of work, attendance regulations and provisions for personal leave;
- D. Grievance procedures;
- E. An employee insurance and retirement program; and
- F. Other provisions needed for the administration of the personnel program.

- G. Unless otherwise specified, the Executive Director shall initiate and administer the personnel rules as referenced above.

## **ARTICLE IX ORGANIZATION**

**SECTION I:**     **Structure.** The organizational staffing structure of the Commission shall be recommended by the Executive Director and approved by resolution of the Council.

## **ARTICLE X BUDGET AND FINANCE**

**SECTION I:**     **Fiscal Year.** The fiscal year of the Commission shall begin July 1<sup>st</sup> and end June 30<sup>th</sup>.

**SECTION II:**    **Local Assessments.** Each county and municipality in the Region shall pay annual dues for membership in the Regional Commission. The county and municipalities in that county are responsible for establishing arrangements among themselves for the apportionment, and payment of the assessed dues. If an arrangement for the payment of such dues is structured so that a county pays dues only on behalf of residents of the unincorporated areas of the county, then the annual dues paid by such county shall come solely from revenues derived from the unincorporated area of the county. Additionally:

- A. Initial Dues assessments shall be one dollar and twenty-five cents (\$1.25) per capita and shall be based on the most recent official census figures provided by the Georgia Department of Community Affairs. Thereafter dues assessments may be modified by Resolution of the Council, however, such dues shall not be less than that per capita amount which is required to make the commission eligible for supplemental state funding pursuant to O.C.G.A. § 50-8- 33, as the same may be amended from time to time.
- B. Payments shall be made to the Commission on a periodic basis as billed.

**SECTION III:**   **Proposed Budget.** On or before the April meeting of the Council each year, the Executive Director shall submit a proposed annual work plan summary and budget for the next fiscal year to a committee established for such purposes. The budget shall show the funds needed from funding sources to accomplish the Commission's program for the year. The budget shall be a balanced budget.

**SECTION IV:**    **Recommended Work Plan and Budget.** On or before the May meeting of the Council each year, the committee established shall recommend to the Council the annual work plan and budget for consideration by the Council. Copies of the recommended work plan and budget shall be available to each member.

**SECTION V:**     **Adopted Work Plan and Budget.** On or before the June annual business meeting of the Council, the Council shall adopt a final work plan and budget for the next fiscal year. Copies of the work plan and budget shall be available to each member.

**SECTION VI:**    **Appropriations.** From the date of adopting the budget by the Council, the amount stated therein as proposed expenditures shall be appropriated to the work plan initiative. Any unbudgeted object or issue becoming available after the budget has already been approved will not be made unless unobligated funds are available and approval has been received from the Council, based upon the recommendation of the Executive Director.

**SECTION VII: Limits of Expenditures.** Expenditures made under the budget shall not exceed the amount appropriated by the budget. Whenever it appears that revenue will fall below the budgeted estimate, appropriations and expenditures shall be adjusted to balance with actual income expected.

**SECTION VIII: Financial Reports.** The Executive Director or his/her designee will present to the Council, on a periodic basis and not less than quarterly, a financial statement showing the year-to-date financial activities of the Commission for the fiscal year.

**SECTION IX: Annual Audit.** Within ninety (90) days following the close of each fiscal year, the Executive Director shall have an audit conducted by the Commission's independent Certified Public Accountant. This report will be submitted to the Council and shall reflect the financial activities of the Commission during the preceding fiscal year.

**SECTION X: Notice of Local Assessments (Dues).** Each member government shall be billed quarterly by the Commission for local assessments (dues). In the event that a member shall fail to remit payment, such failure of payment shall be referred to the Council. A member government failing to remit payment according to billing terms shall not be an active member, with voting privileges revoked, until all dues and arrears are paid in full.

## **ARTICLE XI**

### **NOTICES: WAIVERS OF NOTICE**

**SECTION I: Notice.** Except as otherwise specifically provided in these Bylaws, notice is required to be given to any member or officer, notice will be sufficient if in writing and provided by mail by depositing the same in the post office or letter box in a postpaid sealed wrapper, addressed to such member, officer, or director at such address as appears on the books of the Commission; by telegram; or by facsimile machine known to be personally available to the recipient; and such notice shall be deemed to have been given at the time when the same is sent or mailed.

**SECTION II: Waiver.** When any notice is required to be given by law or by these Bylaws, a waiver thereof by the person or persons entitled to said notice given before or after the time stated therein, in writing, shall be valid. If such person attends such meeting, such attendance shall constitute a waiver, unless the member attends the meeting for the sole purpose of objecting to the transaction of businesses, and so states his objection at the beginning of the meeting.

## **ARTICLE XII**

### **COMMITTEES**

**SECTION I: Establishment.** Unless otherwise specified herein, the Chairman shall have the authority to establish committees:

- A. A committee has no staff and no budget;
- B. A committee shall function in an advisory capacity to the Chairman and Council and may present recommendations for consideration by the Chairman and/or the Executive Committee or Council;
- C. Every effort shall be made for committee membership to equitably represent the region.
- D. A committee may appoint additional members, as needed, to more effectively carry out its duties;

- E. Each committee shall have a Council member liaison appointed by the Council Chairman to facilitate the purposes of the committee;
- F. Each committee may have a staff liaison designated by the Executive Director to coordinate and assist the committee within the limits of the work plan and budget for the staff.

**SECTION II: Dissolution.** If a committee becomes inactive or if the purposes for which it was established no longer exist, the Chairman may dissolve the committee.

**SECTION III: Establishment of the Executive Committee:** The foregoing notwithstanding, the Commission shall have an Executive Committee made up of the Officers of the Commission and other such members of the Commission appointed to the Executive Committee by the Chairman. The Executive Committee shall make recommendations upon those issues presented to the Executive Committee. Unless otherwise specifically required to come before the Executive Committee, the Chairman shall set the agenda for the Executive Committee and shall determine what matters shall come before it for recommendation. To bring a matter before the Executive Committee it is not necessary that the matter be something upon which the full Council must pass.

**SECTION IV: Executive Committee Powers.** With the exception of any future limitations specified by majority vote of the council, the Executive Committee shall function collectively as a committee for the following purposes:

- A. Determine procedures, guidelines, and limitations for the Executive Director to follow in matters of staff salaries and otherwise provide supervision of the Executive Director in same;
- B. Set policies, procedures, and guidelines for personnel administration;
- C. Conduct annual performance evaluation of Executive Director; and
- D. Carry out other duties as delegated to them by the Council.

### ARTICLE XIII

#### CONFLICTS WITH RESOLUTION AND LAW

**SECTION I: Status of Resolution.** Whenever a resolution of the Georgia Mountains Area Planning and Development Commission and the Georgia Mountains Regional Development Center, both being predecessor organizations to the Georgia Mountains Regional Commission, or a resolution of the Commission shall be in conflict with these Bylaws, these Bylaws shall control.

**SECTION II: Status of Laws.** Whenever these Bylaws are in conflict with the State or Federal law, law shall take precedence over these Bylaws' parts in conflict with the law.

### ARTICLE XIV

#### AMENDMENTS TO BYLAWS

**SECTION I: Procedure.** These Bylaws may be amended, supplemented, or superseded by a

majority of the quorum, which is at least 25% of the active membership, as outlined in Article IV, Section 6(h) above. A notice to amend the Bylaws shall be mailed to members of the Council and shall contain the proposed changes at least ten (10) days before the regular meeting of the Council at which the changes is to be voted.

## **ARTICLE XV**

### **ETHICS**

**SECTION I: Purpose.** The purpose of this Code of Ethics is to, as it pertains to GMRC Officials:

- A. Encourage high ethical standards in official conduct;
- 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 GMRC;
- C. Require disclosure by such officials of private financial or other interest in matters affecting the GMRC; and
- D. Serve as a basis for disciplining those who refuse to abide by its terms.

**SECTION II: Scope.** The provisions of this code of ethics shall be applicable to all GMRC Officials, including but not limited to members of the GMRC Council and those officials appointed by the GMRC Council. Notwithstanding anything herein to the contrary, state law shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This code of ethics shall be interpreted to supplement, and not replace, said provisions of state law.

**SECTION III: Definitions.** Solely for the purpose of this code of ethics:

- A. *GMRC Official* or *Official*, unless otherwise expressly defined does not include GMRC employees, but does mean the Executive Director, Members of the Council, the GMRC's Attorney, and all other persons holding positions designated by the GMRC's Bylaws or pursuant to State Law, as amended. The term also includes all individuals, including GMRC employees, appointed by the Council or its officers, as appropriate, to authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the Council.
- B. *Council* means the Council of the Georgia Mountains Regional Commission.
- C. *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the Council or other board, committee 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.
- D. *Employee* means any person who is a full-time or part-time employee of the GMRC.
- E. *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any Official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- F. *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.
- G. *Remote interest* means an interest of a person or entity, including an 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 fees charged by the GMRC and services provided by the GMRC to member local governments is deemed remote to the extent that the Official would be affected in common with the general public.

H. *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 GMRC; 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.

#### **SECTION IV: Prohibitions.**

- A. No 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 GMRC.
- B. No official, in any matter before the Council or other GMRC appointed 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 official shall act as an agent or attorney for another in any matter before the Council or other GMRC appointed body.
- D. No 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. The foregoing notwithstanding, neither this provision nor any other provision of these Bylaws shall prohibit an official or any member of an official's family from participating in random drawing held at GMRC meetings, which are open to the public, and receiving any prize awarded thereby so long as any member of the public in attendance at the said meeting is provided an equal chance to participate in the random drawing and is equally eligible to win the same prize.
- E. No official shall enter into any contract with, or have any interest in, either directly or indirectly, the GMRC except as authorized by state law.
  1. This prohibition shall not be applicable to the professional activities of the GMRC attorney in his or her work as an independent contractor and legal advisor on

behalf of the GMRC.

2. This prohibition shall not be applicable to an otherwise valid employment contract between the GMRC and a GMRC official who is appointed by the GMRC Council (such as the Executive Director).
  3. Any official who has a proprietary interest in an agency doing business with the GMRC shall make that interest known in writing to the Council and the Executive Director.
- 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 official shall solicit or accept other employment to be performed, or compensation to be received, while still a GMRC official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of GMRC duties. This provision shall not affect the ability of members of the governing authorities of the local governments which make up the GMRC from serving on the GMRC Council as provided by State Law.
- I. If an 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 Council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- J. No official shall use GMRC facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- K. No 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. An 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. An 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. An official shall not order any goods or services for the GMRC without prior official authorization for such an expenditure pursuant to the GMRC's procurement policy. No official shall attempt to obligate the GMRC nor give the impression of obligating the GMRC without proper prior authorization.
- O. No official shall draw travel funds or per diem from the GMRC for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the GMRC.

**SECTION V: Conflict of Interest.**

- A. An 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. An official who serves as a corporate officer or member of the board of directors of a nonproftentity must disclose their interest in said entity to the Council prior to participating in a vote or decision regarding funding of the entity by or through the GMRC.
- C. Where the interest of an official in the subject matter of a vote or decision is remote or incidental, the official may participate in the vote or decision and need not disclose the interest.

**SECTION VI: Board of Ethics.**

- A. The Board of Ethics of the GMRC shall consist of three (3) residents of the Georgia Mountains Region. One such resident shall be appointed by the Chairman of the GMRC Council; one such resident shall be appointed by the Council of the GMRC, and the third shall be appointed by the Chairman of the GMRC Council subject to approval by a majority of the Council.
- B. All members of the Board of Ethics shall be residents of the Georgia Mountains Region for at least one (1) year immediately preceding the date of taking office and shall remain aresident while serving on the Board.
- C. All members of the Board of Ethics shall serve a two (2) 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 opportunitywith the GMRC or has been employed by the GMRC within that time frame.
- E. Members of the Board of Ethics with any matter pending before the GMRC, or any pending orpotential litigation against the GMRC or any Official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member ofthe 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 Council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the GMRC, 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.
- 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 somejurisdiction within the boundaries of the Georgia Mountains Regional Commission.
- 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 Council.
- K. In addition to all other powers granted herein, the Board of Ethics shall have the following powers as well:
  - 1. To establish procedures, rules, regulations, forms, and protocols not otherwise inconsistent with these Bylaws and state law for governing its affairs and carrying out its duties.
  - 2. To appoint a hearing officer to conduct the hearing of the Board of Ethics in lieu of the hearing being conducted by a member of the Board of Ethics.

**SECTION VII: Receipt of Complaints.**

- A. All complaints against officials shall be filed with the Executive Director or, if the complaint is against the Executive Director, with the Chairman of the Council. Upon receipt of a complaint in proper form, the Executive Director or his designee (or, if the complaint is against the Executive Director, the Chairman of the council or his designee) shall forward a copy of the complaint to the official or officials charged in the complaint within no more than seven (7) calendar days. All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this Article.
- B. 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 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 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 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.
- C. 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 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 official.
- D. The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- E. 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 Council has not prescribed such forms.

- F. Findings of the Board of Ethics shall be submitted to the Council for action.
- G. To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election to a city, county, or state office, whether currently serving as a city, county or state 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.

**SECTION VIII: Service of Complaint.** The Executive Director (or in the event the complaint is against the Executive Director, the Chairman of the Council) shall cause the complaint to be served on the official charged as soon as practicable but in no event later than seven (7) calendar days after the receipt of a proper, verified complaint. Service may be 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 Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the 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 official subject to the inquiry shall also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of the time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power of jurisdiction of the Board of Ethics or the Council to act upon any complaint.

**SECTION IX: Right to Appeal.**

- A. Any 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 Hall County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.

**SECTION X: Penalty.** Any person violating any provision of this article is subject to:

- A. Public reprimand or censure by the Council;
- B. Request for resignation by the Council; or
- C. Removal from the official's position by the Council.

Date of Amended Bylaws Adoption: 6/24/21

  
\_\_\_\_\_  
Sam Norton, Chairman  
Georgia Mountains Regional Commission

  
\_\_\_\_\_  
Ken Schubring, Secretary  
Georgia Mountains Regional Commission





# City Council Agenda Memo

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**DATE:** January 12, 2022  
**TITLE:** Cyber Security Plan Update  
**PRESENTED BY:** Allison Martin, Finance Director

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## **AGENDA ITEM DESCRIPTION:**

Update of the city's Cyber Security Plan.

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## **HISTORY/PAST ACTION:**

The City of Dahlonega implemented a Cyber Security Plan in 2019. Due to staff turnover, it is necessary to update the policy. The only changes to the plan were to update personnel and to note which payment systems are outsourced which relieves the city of the liability of storing sensitive data. The city also received notice that failure to have a plan could impact insurance renewal rates or the ability to obtain cyber security insurance.

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## **FINANCIAL IMPACT:**

Should the city fail to have a Cyber Security Plan, there could be an increase in insurance premiums or the city could be denied the option of having cyber security insurance.

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## **RECOMMENDATION:**

The recommendation of staff is to approve the updated plan.

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## **SUGGESTED MOTIONS:**

I make a motion to approve the updated plan.

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## **ATTACHMENTS:**

Cyber Security Plan – for internal viewing only; plan not made public to protect the integrity of the plan

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# CITY COUNCIL AGENDA REPORT

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**DATE:** January 18, 2022  
**TITLE:** Asphalt Leveling And Resurfacing of City Streets In Dahlonega, Ga In House Project #2022-002  
**PRESENTED BY:** Vince Hunsinger, Capital Projects Manager

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## AGENDA ITEM DESCRIPTION:

This item is to inform the Council of the upcoming bid to complete asphalt resurfacing of city streets in Dahlonega identified as Asphalt Leveling and Resurfacing of City Streets In Dahlonega, Ga In House Project #2022-002. This work is in addition to the 2022 LMIG-funded resurfacing described in a previous agenda report. This project will be to complete the total required amount of resurfacing for Welch Drive, Housely Road, Dogwood Drive, Woodland Hills, Hill Crest Drive, Self Drive, Trahlyta Trail, and Laurel Lane. The contracted bid for this portion of the project is estimated to be approximately \$150,000 based on required quantity of asphalt.

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## HISTORY/PAST ACTION:

This project is a result of Public Works' annual assessment of city streets and helps achieve resurfacing goals found in our Road Maintenance Plan.

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## FINANCIAL IMPACT:

The available budget for the project is \$150,000.

We will be receiving bids before the February 7, 2022 Council Meeting and presenting our recommendation based on the bid results.

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## RECOMMENDATION:

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## SUGGESTED MOTIONS:

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## ATTACHMENTS:

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# CITY COUNCIL AGENDA REPORT

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**DATE:** January 18, 2022

**TITLE:** Local Maintenance and Improvement Grant (LMIG) Resurfacing 2022-001

**PRESENTED BY:** Vince Hunsinger, Capital Projects Manager

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**AGENDA ITEM DESCRIPTION:**

This item is to inform the Council of the upcoming bid to complete asphalt resurfacing of city streets in Dahlonega identified as LMIG Project #2022-001. Staff has selected North Hall Road and Dalton Drive for resurfacing.

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**HISTORY/PAST ACTION:**

This project is a result of Public Works' annual assessment of city streets and helps achieve resurfacing goals found in our Road Maintenance Plan.

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**FINANCIAL IMPACT:**

The available budget for the project is \$110,000.00 which is a combination of funds from the City's general fund (30%) and the GDOT Local Maintenance & Improvement Grant Program (70%).

We will be receiving bids before the February 7, 2022 City Council Meeting. We will be bringing our recommendation based on the bid results.

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**RECOMMENDATION:**

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**SUGGESTED MOTIONS:**

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**ATTACHMENTS:**

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# MURAL GRANT OFFER

*There are Two Offers*

*Offer One: Cities Under 10,000 population*

*Offer Two: Cities with Population from  
10,000 to 50,000*

*The Grant is Offered Two Times Annually*

*The First Deadline to Apply is **Friday January 28th, 2022***

*Grant offering for the following states.*

Alabama, Florida, Georgia, North Carolina,

South Carolina, Tennessee and Virginia.

## *Mission Statement*

*Our mission is to design, create, educate, and promote  
community heritage, culture, and tourism through public art  
projects and events.*

The Go Georgia Arts with John W. Christian is offering free labor to paint a 10'x20' or up to a 200sf mural. This could be one mural on its own or a small part of a much larger mural project. All projects must depict and promote history, culture, events, and tourism for your city or community.



# Year in Review 2021 Mural Sheet 6

georgiamuraltrail.com

Welcome to  
**Powder Springs**  
1918

50. Powder Springs



52. Hapeville #5

My Family at the Ribbon Cutting

Welcome to Fairmount

Enjoy  
**Coca-Cola**

46. Fairmount Coke

Chocolate  
**Rainbow Foods**

MORE BOUNCE  
TO THE  
OUNCE!

45. Rainbow Foods-Crawford, Ala.



47. Stockbridge



44. Smiths Station, Ala.



51. Twin City

Welcome to CEDARTOWN

DRINK  
**Coca-Cola**

DELICIOUS and REFRESHING

Penny Pinchers

48. Cedartown Coke



Welcome to

**COLLEGE PARK** Georgia

49. College Park 300' Wall

John\_Christian\_Artist 770 380-0420

The Georgia Mural Trail and now The American Mural Trail will paint 12 to 15 murals annually. John W. Christian from the Go Georgia Arts is leading painting of the murals and spearheading this concept. Our goal also is to have other volunteers, originations, and sponsors helping with this process.

Your mural would be connected to our web site and other online sites. Your mural would be listed as part of the trail. Complete with your own mural stamp and number for the trail. Our mural project could help jumpstart your arts community or help support your thriving arts movement.

## ***Cost and Terms for the Grant***

**There are two offers one with cities under 10,000 population and the second with populations range from 10,000 through 50,000.**

**(A) Cities with population under 10,000 people.** Grant offering is to paint a labor free 200sf mural. Your only cost is \$3,500.00 that covers designing the mural, paint, expenses and supplies. You also would need to provide lodging for one person for up to ten to fourteen nights and scaffolding or a lift as needed.

**(B) Cities with population from 10,000 through 50,000** Grant offering to paint up to a 250sf mural. Your cost is \$4,000.00 that covers designing of the mural, paint, expenses and supplies. You also would need to provide lodging for one person for up to fourteen nights and scaffolding or a lift as needed.

If, however you would like a much larger mural than what is offered there is an added cost. The added cost is by square foot. The square foot price ranges from \$35.00 to \$45.00.

We can also help with other grants for your mural. This grant could act as your match for other grants.



# The American Mural Trail Grant Application

**To qualify you must be a City, DDA, School or a  
(501-c3 not for profit group)**

The wall must be pre painted brick, block or masonry. The wall must be located in a public downtown area, school or community center.

**We like to keep it simple by just asking you 20 questions.**

1. Community Name and Date
2. City, County and State
3. Civic or school Name
4. City or Government Name
5. Main Contact Name and Title
6. Phone and Email
7. Second Contact Name and Title
8. Phone and Email
9. Address of Project
10. Building Owner Name, Phone, Email and Signed Approval
11. What is the scope of your project.
12. Mission Statement of project
13. Who is the Mural for.
14. Why do you want a mural!
15. When would you like the mural to be completed.
16. Where and How does your mural fit in with the community comprehensive plan.
17. List up to eight images and any wording you want painted on the mural.
18. List any other murals you have in your community.
19. Do you have any other art groups or art events in your community annually.
20. What are you most proud of about your community.

