

House Bill 629 (AS PASSED HOUSE AND SENATE)

By: Representatives Collins of the 27th, Rogers of the 26th, Mills of the 25th, and Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

1 To create the Hall County Family Connection Network; to provide for a short title; to provide
2 for findings and determinations; to provide for definitions; to provide for the creation of the
3 network; to provide for the membership of the network; to provide for the organization and
4 meetings of the network; to provide for the purposes for which the network is created; to
5 provide the powers and duties of the network; to provide that the members of the network
6 shall be trustees; to provide for certain exemptions from taxation, levy and sale, garnishment,
7 and attachment; to provide for the court in which actions against the network may be
8 brought; to provide for construction; to provide for related matters; to provide an effective
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 Short title.

13 This Act shall be known and may be cited as the "Hall County Family Connection Network
14 Act."

15 SECTION 2.

16 Findings.

17 (a) It is found, determined, and declared that many of the children, youth, and families in the
18 Hall County community are facing or experiencing serious and discouraging problems which
19 include, but are not limited to:

- 20 (1) Dropping out of school before graduation;
- 21 (2) Failing in school or failing to progress in school at a satisfactory rate;
- 22 (3) Teen pregnancy and motherhood;
- 23 (4) Child abuse and neglect;
- 24 (5) Drug use and juvenile delinquency;

- 25 (6) Problems associated with idleness and unemployment for youth ages 16 to 19 years;
26 and
- 27 (7) Severe economic hardship in their families.
- 28 (b) It is further found and determined that public and private agencies and institutions are
29 less effective in mitigating the effects of these conditions on children, youth, and families or
30 keeping them free of these conditions because their programs are not coordinated, evaluated,
31 and administered in a systematic manner under a single comprehensive plan to deal with
32 these conditions.
- 33 (c) It is further found and determined that the citizens of the Hall County community are
34 deeply concerned about children, youth, and families in the community experiencing these
35 conditions and desire comprehensive and effective community efforts to prevent or mitigate
36 these conditions in children, youth, and families.
- 37 (d) It is further found that the citizens of Hall County desire to work in partnership with the
38 state to comprehensively address these conditions.
- 39 (e) Because of the findings and determinations described in subsections (a) through (d) of
40 this section, it is further found that there is a need for the creation of a public network to
41 develop a comprehensive plan for public and private agencies in the Hall County community
42 to deal more effectively with the children, youth, and families in the community exposed to
43 or experiencing the conditions listed in subsection (a) of this section to the end that such
44 youth will be eligible for gainful employment when they reach maturity, will be law-abiding
45 and productive adults, and will have a happy future that develops and utilizes their talents
46 and abilities to the fullest extent possible.
- 47 (f) It is further found that such a public network should cooperate with and assist public and
48 private agencies in implementing and carrying out such comprehensive plan and in providing
49 oversight, evaluation, and coordination of the various programs and activities of such
50 comprehensive plan and that such public network should exercise additional powers and
51 duties as provided in this Act in connection with the development, implementation, and
52 carrying out of such plan.
- 53 (g) It is further found, declared, and determined that the creation of the public network
54 provided for in this Act and the carrying out of its corporate purposes are in all respects valid,
55 charitable, and public purposes within the provisions of the Constitution of Georgia in that
56 developing more effective methods, programs, and services to deal with the problems of the
57 children, youth, and families of the Hall County community is of vital importance to the Hall
58 County community.

59 **SECTION 3.**

60 Definitions.

61 Unless the context clearly requires otherwise, as used in this Act, the term:

62 (1) "Collaborating council" means a group of community organizations that affect the
63 quality of life of children, youth, and families in Hall County.

64 (2) "Collaborative" means an arrangement under which all of the agencies, institutions,
65 and organizations in a community whose actions or inactions can affect the well-being
66 of children, youth, and families agree and commit themselves:

67 (A) To a vision of successful outcomes for children, youth, and families;

68 (B) To setting goals for success for children, youth, and families;

69 (C) To objectives to achieve these goals;

70 (D) To strategies to achieve these objectives;

71 (E) To carry out the components of the strategies agreed upon in a comprehensive plan
72 for serving the well-being of children, youth, and families;

73 (F) To allocate or redirect funds where applicable and possible and with written
74 consent from the affected agencies to cover the cost of implementing the strategy
75 components assigned to them by the comprehensive plan for serving children, youth,
76 and families;

77 (G) To be individually and collectively responsible for the success or failure of these
78 strategies;

79 (H) To coordinate and integrate their work and share information with each other;

80 (I) To identify and eliminate among themselves duplication of programs and services;

81 (J) To eliminate competition for funding and recognition;

82 (K) To report their successes and failures in achieving the results expected from their
83 programs objectively and completely; and

84 (L) To adopt and carry out comprehensive and integrated annual work programs and
85 budgets to serve children, youth, and families.

86 (3) "Community partnership" means a community partnership that meets the
87 collaborative goals of the Georgia Family Connection Partnership.

88 (4) "Comprehensive plan" means a plan that establishes a vision of goals for children,
89 youth, and families; measures the extent to which they fall short in meeting these goals;
90 identifies the conditions that must be changed to help them meet these goals; specifies a
91 coordinated and integrated system of strategies for changing these conditions and a
92 budget to carry them out; specifies the means of implementing these strategies; and
93 specifies the means of managing and evaluating their performance and measuring their
94 effectiveness in achieving the goals and objectives which have been established.

95 (5) "County" means Hall County.

96 (6) "Network" means the Hall County Family Connection Network.

97 (7) "Public agency" means the Board of Commissioners of Hall County, the governing
98 body of any municipality in the county, the Board of Education of Hall County, and any
99 agency, board, commission, or department of the State of Georgia.

100 **SECTION 4.**

101 Hall County Family Connection Network.

102 (a) There is created a body corporate and politic to be known as the Hall County Family
103 Connection Network which shall be deemed to be an instrumentality of the state, a public
104 corporation, and a public authority, and by that name, style, and title may contract and be
105 contracted with, sue in all courts, and be sued in the Superior Court of Hall County, as
106 provided in Section 13 of this Act. The network shall have all the rights afforded to the state
107 by virtue of the Constitution of the United States, and nothing in this Act shall constitute a
108 waiver if any such rights. The network shall have perpetual existence.

109 (b) The network shall not be deemed to be a political subdivision of the state or an agency
110 of the state.

111 **SECTION 5.**

112 Membership.

113 (a) The network shall be composed of no more than 28 members which shall consist of 13
114 position members and up to 15 community members.

115 (1) Position members: The position members shall be as follows:

116 (A) One shall be the chief elected member of the governing board of Hall County;

117 (B) One shall be the chief elected member of the governing board of the largest
118 municipality within Hall County (Gainesville);

119 (C) One shall be the superintendent of the Hall County School System;

120 (D) One shall be the superintendent of the Gainesville City School System;

121 (E) One shall be the medical director, Division of Public Health, District 2;

122 (F) One shall be the chief executive officer of Avita Community Partners;

123 (G) One shall be the director of the Hall County Department of Family and Children
124 Services;

125 (H) One shall be the program manager of the Department of Juvenile Justice, Hall
126 County office;

127 (I) One shall be the judge of the Hall County Juvenile Court;

128 (J) One shall be the sheriff of Hall County;

129 (K) One shall be the chief of police of the City of Gainesville;

130 (L) One shall be the district attorney for the Northeastern Judicial Circuit; and

- 131 (M) One shall be the director of the Community Service Center.
- 132 (2) Community members: The community members may be as follows:
- 133 (A) One member appointed by the board of the Chamber of Commerce;
- 134 (B) One member appointed by the board of the United Way of Hall County;
- 135 (C) One member appointed by the board of the Hall County Ninth District
136 Opportunity;
- 137 (D) One member appointed by the board of the Northeast Georgia Medical Center;
- 138 (E) One member from the higher education institutions in the county, to be appointed
139 by the network executive committee;
- 140 (F) One member from the business community, to be appointed by the network
141 executive committee;
- 142 (G) Three members from advocates for children and families in the county, to be
143 appointed by the network executive committee; and
- 144 (H) Up to six members appointed by the network executive committee from at least
145 four of the following entities: private nonprofit agencies, civic organizations, the faith
146 community, economically and socially distressed neighborhoods, public or nonprofit
147 community service providers, and parents heading economically and/or socially
148 distressed families in the county.
- 149 (b) The criteria for the qualifications of community members shall include, but not be
150 limited to, experience with the problems and needs of children, youth, and families;
151 experience with service delivery to children, youth, and families; a willingness to interact,
152 cooperate, and compromise; and a deep commitment to solving the needs of children, youth,
153 and families as the first priority in the work of the network.
- 154 (c) All community member appointees shall serve a three-year term.
- 155 (d) If a community member misses three consecutive meetings, the appointing body shall
156 be asked to review the appointment and to make a change in appointment, if necessary. Any
157 community member position that becomes vacant for any reason will require a new
158 appointment for the remainder of the term. The appointment process will be provided in
159 subsection (a) of this section.
- 160 (e) Position members shall serve on the network for the terms of the elected offices which
161 they hold and shall be replaced on the network by their successors in these offices.
- 162 (f) Members of the network shall receive no compensation for serving on the network but
163 may be reimbursed for actual and necessary expenses incurred by them in carrying out their
164 official duties.

165 **SECTION 6.**

166 Organization; meetings.

167 (a) The organizational meeting of the network shall be called by the chairperson of the
 168 Board of Commissioners of Hall County after all appointments to the network have been
 169 made. At the organizational meeting, the network shall elect from among its community
 170 members a chairperson, vice chairperson, secretary, and treasurer. The terms of office of
 171 such officers and all other matters relating to the organization and rules of procedure of the
 172 network shall be as determined by the network, except as otherwise provided by subsections
 173 (b) and (c) of this section.

174 (b) Thirteen members of the network shall constitute a quorum for the transaction of
 175 business. The powers and duties of the network shall be transacted, exercised, and
 176 performed only pursuant to the affirmative vote of at least a majority of a quorum. An
 177 abstention in voting shall be considered as that member's voting in the negative on the matter
 178 before the network.

179 (c) The network shall meet not less than four times each calendar year and at other times on
 180 the call of the chairperson of the network. In the absence of the chairperson, the vice
 181 chairperson may call a meeting of the network and preside at meetings thereof. In the
 182 absence of the chairperson and vice chairperson, the secretary or treasurer may call a meeting
 183 of the network and preside at meetings thereof. The chairperson or other officer of the
 184 network authorized to call a meeting of the network shall call other meetings upon a written
 185 request made by eight or more members of the network.

186 (d) The network shall prepare and submit to the appointing bodies listed in subsection (a)
 187 of Section 5 of this Act at the end of each fiscal year or calendar year of the network, as
 188 appropriate, an annual report outlining the work of the network and the results achieved
 189 thereby, an annual report of the state of the children, youth, and families in the community,
 190 and an independent audit of income and expenditure prepared in accordance with the
 191 requirements of Section 10 of this Act.

192 (e) The executive committee shall be comprised of officers and committee chairs.

193 **SECTION 7.**

194 Purposes.

195 The network is created for the following purposes:

- 196 (1) To develop and adopt a vision of success for children, youth, and families in the
 197 community;
- 198 (2) To develop and adopt, and from time to time amend, a comprehensive plan for the
 199 Hall County community to deal effectively with the problems experienced by children,

- 200 youth, and families in that community in order to achieve the goals set in paragraph (1)
 201 of this section;
- 202 (3) To develop and facilitate collaboration, coordination of services, and data integration
 203 among the public and private agencies, institutions, and organizations whose actions or
 204 inactions can affect the content and effectiveness of the comprehensive plan;
- 205 (4) To coordinate, evaluate, and manage the implementation and carrying out of the
 206 comprehensive plan developed by the network under paragraph (2) of this section and to
 207 provide administrative services and assistance in implementing and carrying out this plan;
- 208 (5) To contract or recommend and promote contracts with public and private agencies
 209 to provide programs and services to carry out the provisions of the comprehensive plan
 210 developed under paragraph (2) of this section and for the purposes of paragraph (3) of
 211 this section;
- 212 (6) To facilitate by contract and collaboration the integration and coordination of
 213 programs and services by public and private agencies to carry out the provisions of the
 214 comprehensive plan;
- 215 (7) To be an advocate for the well-being of children, youth, and families in the Hall
 216 County community;
- 217 (8) To serve as a review and recommending body to local governments on policies
 218 proposed by public agencies and institutions that relate to the well-being of children,
 219 youth, and families;
- 220 (9) To allocate or redistribute funds from one agency to another only with written
 221 consent of the Hall County Board of Commissioners and the Gainesville City Council;
 222 and
- 223 (10) To seek to avoid duplication of funding and service delivery and to provide funding
 224 and service equity consistent with the purposes of Chapter 70 of Title 36 of the O.C.G.A.

225 SECTION 8.

226 Powers to provide services.

227 To the extent that services and programs for children, youth, and families needed to carry out
 228 the provisions of the comprehensive plan developed by the network under paragraph (3) of
 229 Section 7 of this Act are not available or cannot be obtained by contract from public and
 230 private agencies, the network shall have the power to provide such services and programs
 231 when necessary and desirable to achieve the goals and objectives of the comprehensive plan.
 232 In all such instances, the network shall seek to facilitate and expedite the transfer of
 233 responsibility for providing such services or programs to public or private agencies.

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SECTION 9.

Powers and duties.

In addition to any other powers and duties provided for by this Act and in order for the network to carry out its purposes as described in this Act, the network shall have the following powers and duties:

- (1) To have a seal and alter the same at its pleasure;
- (2) To acquire, hold, and dispose of in its own name by purchase, gift, lease, or exchange, on such terms and conditions and in such manner and by such instrument as it may deem proper, real and personal property of every kind, character, and description, but the network shall not have the power to acquire any real or personal property by condemnation or eminent domain;
- (3) To procure insurance against loss in connection with its property and other assets of the network;
- (4) To exercise the power provided by Code Section 45-9-1 of the O.C.G.A. to procure policies of liability insurance or contracts on indemnity or to formulate sound programs for self-insurance to insure or indemnify members of the network and its officers and employees against personal liability or damages arising out of the performance of their duties or in any way connected therewith to the extent that such members, officers, or employees are not immune from such liability;
- (5) To make contracts and to execute all instruments necessary or convenient in connection therewith;
- (6) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, as the network may deem necessary or expedient in facilitating its business;
- (7) To receive, accept, and utilize gifts, grants, donations, or contributions of money, property, facilities, or services with or without consideration, from any person, firm, corporation, foundation, or other entity or from the State of Georgia or any agency, instrumentality, or political subdivision thereof or from the United States or any agency or instrumentality thereof;
- (8) To the extent that a contract between the network and a public or private agency provides therefor, to act as an agent of such public or private agency in any matter coming within the purposes or powers of the network;
- (9) To select, appoint, and employ professional, administrative, clerical, or other personnel and to contract for professional or other services and to allow suitable compensation for such personnel and services;
- (10) To do all things necessary and convenient to carry out the powers and purposes of the network which are expressly provided for in this Act; and

271 (11) To keep suitable and proper books and records of all receipts, income, and
 272 expenditures of every kind and obtain an annual independent audit of income and
 273 expenditures.

274 **SECTION 10.**

275 Members as trustees.

276 The members of the network shall be trustees and shall be accountable in all respects to
 277 manage the funds and expenditures and direct the policies of the network.

278 **SECTION 11.**

279 Charitable and public functions.

280 Because the network will be performing valuable and charitable and public functions and
 281 purposes in the exercise of the powers conferred upon it, the network shall not be required
 282 to pay taxes or assessments by the state or by any county, municipality, authority, or political
 283 subdivision of the state upon any real or personal property acquired by it or upon its activities
 284 in the operation or maintenance of any facility maintained or acquired by it or upon any
 285 income received by the network. The said property, facilities, and income of the authority
 286 shall be exempt from levy and sale, garnishment, and attachment.

287 **SECTION 12.**

288 Federal taxation exemption.

289 The network shall apply to the federal Internal Revenue Service for exemption from federal
 290 taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986.

291 **SECTION 13.**

292 Actions.

293 Any action brought against the network shall be brought in the Superior Court of Hall
 294 County, and such court shall have exclusive original jurisdiction of such action.

295 **SECTION 14.**

296 Liberal construction.

297 Being for the welfare of the state and its inhabitants, this Act shall be liberally construed to
 298 effect the purposes of this Act.

299 **SECTION 15.**

300 Effective date.

301 This Act shall become effective on July 1, 2011.

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SECTION 16.

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Repealer.

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