

House Bill 1368

By: Representatives Cooper of the 45th, Hatchett of the 155th, Stephens of the 164th, Dempsey of the 13th, and Reese of the 140th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so
2 as to provide for the re-creation of community service boards; to reconstitute the governing
3 boards of community service boards; to provide that a governing board contain an executive
4 director; to provide that the executive director be appointed by the commissioner of
5 behavioral health and developmental disabilities; to provide that appointed executive
6 directors are department employees; to provide for individuals currently serving as executive
7 directors; to provide for the powers, duties, and responsibilities of the governing board,
8 community service board, and executive director; to authorize the delegation of authority to
9 the executive director, subject to limitation; to change provisions for community service
10 boards to convert their organizational structures; to provide for definitions; to provide for
11 conforming changes; to amend Code Section 50-14-1 of the Official Code of Georgia
12 Annotated, relating to meetings open to the public, limitation on action to contest agency
13 action, recording, notice of time and place, access to minutes, and teleconferences, so as to
14 revise a provision authorizing community service boards to conduct teleconference meetings
15 under certain circumstances; to provide for related matters; to repeal conflicting laws; and
16 for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1368

18 **SECTION 1.**

19 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended in
 20 Code Section 37-1-1, relating to definitions, by revising paragraph (4) and by adding new
 21 paragraphs to read as follows:

22 "(4) 'Community service board' means a public mental health, developmental disabilities,
 23 and addictive diseases ~~board~~ agency established pursuant to Code Section 37-2-6.

24 (4.1) 'Community service board area' means an area inclusive of the counties which fall
 25 within the boundaries of a community service board as designated by the department
 26 pursuant to subsection (b) of Code Section 37-2-3 for the establishment of a community
 27 service board.

28 (4.2) 'Community service board's service area' means a community service board area
 29 and any other county or portion thereof in which the community service board provides
 30 services."

31 **SECTION 2.**

32 Said title is further amended by revising Code Section 37-2-2, relating to definitions relative
 33 to the administration of mental health, developmental disabilities, addictive diseases, and
 34 other disability services, as follows:

35 "37-2-2.

36 As used in this chapter, the term:

37 ~~(1) 'Community service board' means a public mental health, developmental disabilities,~~
 38 ~~and addictive diseases board established pursuant to Code Section 37-2-6.~~

39 ~~(2) 'Community service board area' means an area inclusive of the counties which fall~~
 40 ~~within the boundaries of a community service board as designated by the department~~
 41 ~~pursuant to subsection (b) of Code Section 37-2-3 for the establishment of a community~~
 42 ~~service board.~~

43 ~~(3) 'Community service board service area' means a community service board area and~~
 44 ~~any other county or portion thereof in which the community service board provides~~
 45 ~~services.~~

46 ~~(4)~~(1) 'Council' means the Behavioral Health Coordinating Council established pursuant
 47 to Code Section 37-2-4.

48 (2) 'Executive director' means the individual serving as the chief executive officer of a
 49 community service board as provided in paragraph (1) of subsection (a) of Code
 50 Section 37-2-6.1.

51 ~~(5)~~(3) 'Governing board' means the governing board of a community service board
 52 established pursuant to subsection (b) of Code Section 37-2-6.

53 ~~(6)~~(4) 'Health services' means any education or service provided by the department, the
 54 Department of Public Health, or the Department of Human Services, either directly or by
 55 contract.

56 ~~(7)~~(5) 'Hospital' means a state owned or state operated facility providing services which
 57 include, but are not limited to, inpatient care and the diagnosis, care, and treatment or
 58 habilitation of the disabled. Such hospital may also provide or manage state owned or
 59 operated programs in the community."

60 SECTION 3.

61 Said title is further amended in Code Section 37-2-6, relating to community mental health,
 62 developmental disabilities, and addictive diseases services boards, community service board
 63 creation, membership, participation of counties, transfer of powers and duties, alternate
 64 method of establishment, bylaws, and reprisals prohibited, by revising subsections (a), (b),
 65 (d), (f), (h), (i), (j), (k), and (n) as follows:

66 "(a) Community service boards in existence on June 30, ~~2014~~ 2026, are re-created effective
 67 July 1, ~~2014~~ 2026, to provide mental health, developmental disabilities, and addictive
 68 diseases services to children and adults. Such community service boards may enroll and

69 contract with the department, the Department of Human Services, the Department of Public
 70 Health, or the Department of Community Health to become a provider of mental health,
 71 developmental disabilities, and addictive diseases services or health, recovery, housing, or
 72 other supportive services for children and adults. Such boards shall be considered public
 73 agencies. Each community service board shall be a public corporation and an
 74 instrumentality of the state; provided, however, that the liabilities, debts, and obligations
 75 of a community service board shall not constitute liabilities, debts, or obligations of the
 76 state or any county or municipal corporation and neither the state nor any county or
 77 municipal corporation shall be liable for any liability, debt, or obligation of a community
 78 service board. Each community service board re-created pursuant to this Code section is
 79 created for nonprofit and public purposes to exercise essential governmental functions.
 80 The re-creation of community service boards pursuant to this Code section shall not alter
 81 the provisions of Code Section 37-2-6.2 which shall apply to those re-created community
 82 service boards and their employees covered by that Code section and those employees'
 83 rights are retained except as otherwise provided in that Code section.

84 (b) ~~Each The governing board of each~~ community service board shall have a governing
 85 board which shall consist of the executive director and members appointed by the
 86 governing authorities of the counties within the community service board area. With the
 87 exception of the executive director, membership ~~Membership~~ on such governing board
 88 shall be determined as follows:

89 (1)(A) The governing authority of each county within the community service board
 90 area:

91 (i) With a population of 50,000 or less according to the most recent United States
 92 decennial census shall appoint one member to such governing board; and

93 (ii) With a population of more than 50,000 according to the most recent United States
 94 decennial census shall appoint one member for each population increment of 50,000
 95 or any portion thereof; or

96 (B) In the event that the number of governing board member positions established in
97 accordance with subparagraph (A) of this paragraph would exceed nine, the
98 membership of such governing board pursuant to this subsection shall be appointed as
99 follows and the bylaws shall be amended accordingly:

100 (i) For community service boards whose community service board area contains nine
101 or fewer counties, the membership of the board shall be set at nine members and
102 appointments to the board shall be made by the governing authority of each county
103 within the community service board area in descending order from the county with
104 the largest population to the county with the smallest population according to the most
105 recent United States decennial census and this method shall be repeated until all nine
106 members of the governing board of the community service board are appointed. If
107 a county governing authority fails to make an appointment within a reasonable time,
108 the next descending county by population shall make an appointment and the method
109 shall continue; and

110 (ii) For community service boards whose community service board area contains
111 more than nine counties, one member of the governing board of the community
112 service board shall be appointed by the governing authority of each county within the
113 community service board area, so that the number of members on the governing board
114 is equal to the number of counties in the community service board area.

115 The county governing authority shall appoint as at least one of its appointments a
116 consumer of disability services; a psychiatrist, a psychologist, or other behavioral health
117 or development disabilities professional; a law enforcement officer; a family member
118 of a consumer; an advocate for disability services; a parent of a child with mental
119 illness or addictive disease; or a local leader or businessperson with an interest in
120 mental health, developmental disabilities, and addictive diseases; provided, however,
121 that, for counties with more than one appointment, the county governing authority shall
122 seek to ensure that such appointments represent various groups and disability services;

123 (2) In addition to the members appointed pursuant to paragraph (1) of this subsection,
124 the governing board of each community service board may appoint one additional
125 member in order to address variation in the population sizes of counties or the financial
126 contributions of counties within the community service board area. The bylaws of the
127 community service board shall address the establishment of the additional governing
128 board membership position, if established, and the purpose or purposes for which such
129 position is created. The term of office of such additional member shall be the same as
130 that of other members of the governing board of the community service board as provided
131 in subsection (h) of this Code section;

132 (3) In addition to the members appointed pursuant to paragraphs (1) and (2) of this
133 subsection, each governing board of the community service board shall have additional
134 members who shall serve on such governing board while concurrently holding elective
135 or appointive office and who shall be appointed by a county governing authority as
136 follows:

137 (A) The number of elected or appointed officials serving on the governing board of the
138 community service board shall be equal to one-third, defined herein as 33 percent or
139 0.33, of the number of the members of such board appointed in accordance with
140 paragraph (1) of this subsection. In the event the calculation of such percentage yields
141 a whole number and a fraction of a whole number, then the number of members to be
142 appointed shall be equal to the nearest whole number; provided, however, that a
143 fraction equal to 50 percent or greater shall be rounded to the next highest whole
144 number;

145 (B) The governing authority of each county in the community service board area
146 making the largest cash or in-kind financial contribution in descending order to the
147 community service board in the county fiscal year immediately prior to the time of such
148 appointment shall make one appointment of an elected or appointed official to the
149 community service board until the number of such appointments required by this

150 paragraph is reached. For community service boards whose community service board
151 areas contains fewer counties than the number of appointments made pursuant to this
152 paragraph, the membership appointments of elected or appointed officials to the
153 governing board shall be made in the descending order prescribed in this paragraph and
154 this method shall be repeated until all members who hold elective or appointive office
155 are appointed to the governing board of the community service board. In the event that
156 the number of such county governing authorities making a cash or in-kind financial
157 contribution to the community service board does not result in the number of
158 appointments required by this paragraph, the remaining appointment or appointments
159 shall be made by the governing authority or authorities of the county or counties in the
160 community service board area with the largest population in descending order
161 according to the most recent United States decennial census until the number of
162 appointments required by this paragraph is reached. For community service boards
163 whose community service board area contains three or fewer counties, the membership
164 appointments of elected or appointed officials to the governing board shall be made in
165 the descending order prescribed in this paragraph and this method shall be repeated
166 until all members who hold elective or appointive office are appointed to the governing
167 board of the community service board. In the event there is no county in the
168 community service board area where the governing authority made a cash or in-kind
169 financial contribution to the community service board in the county fiscal year
170 immediately prior to the time of such appointment, the appointments required by this
171 paragraph shall be made by the governing authority or authorities of the county or
172 counties in the community service board area with the largest population in descending
173 order according to the most recent United States decennial census until the number of
174 appointments required by this paragraph is reached;

175 (C) As used in this paragraph, the term 'elective or appointive office' or 'elected or
176 appointed official' means:

- 177 (i) The elected chief executive officer, by whatever name called, of the county
178 governing authority making the appointment to the governing board of the community
179 service board;
- 180 (ii) An elected member of such county governing authority;
- 181 (iii) The county manager of such county governing authority where such position
182 exists as defined in Code Section 36-5-22;
- 183 (iv) The sheriff of such county;
- 184 (v) The elected chief executive officer, by whatever named called, an elected member
185 of the governing authority, or an appointed city manager of any municipality lying
186 wholly or partially within such county;
- 187 (vi) A member of the board of education of such county or a member of the
188 governing board of any municipal school system lying wholly or partially within such
189 county;
- 190 (vii) The school superintendent of such county or the superintendent of any
191 municipal school system lying wholly or partially within such county;
- 192 (viii) The appointed public safety commissioner, police chief, or fire chief of such
193 county or any municipality lying wholly or partially within such county; or
- 194 (ix) Any other elected official from within such county;
- 195 (D) No member of the governing board of the community service board appointed
196 pursuant to this paragraph shall continue to serve on the governing board if such
197 member no longer holds the elective or appointive office which made him or her
198 eligible for appointment to such board. The term of office of an elected official
199 appointed to serve as a member of the governing board of the community service board
200 shall be the same as such official's elective term of office. The term of office of an
201 appointed official appointed to serve as a member of such governing board shall be the
202 same as that of other members of such governing board; and

203 (E) As used in this paragraph, the term 'in-kind financial contribution' means the most
204 current dollar value of any physical facilities or buildings and equipment, including
205 vehicles, of all kinds provided at no cost by the county governing authority for use by
206 the community service board.;

207 (4) Each governing board ~~Each community service board~~ in existence on June 30, 2014
208 2026, shall be reconstituted and each member of each such governing board shall be
209 reconstituted as a member of each such reconstituted governing board, effective July 1,
210 2026; provided, however, that members serving on such governing boards whose terms
211 expire on or before June 30, 2026, shall not continue to serve on the reconstituted board
212 unless they are reappointed in accordance with the provisions of this subsection;
213 ~~reconstitute the membership of its governing board in accordance with the provisions of~~
214 ~~paragraphs (2) and (3) of this subsection, effective July 1, 2014.~~

215 ~~A community service board which increases or reduces the number of its members of its~~
216 ~~governing board in accordance with paragraphs (2) and (3) of this subsection shall revise~~
217 ~~its bylaws adopted in accordance with subsection (h) of this Code section to reflect such~~
218 ~~increases or reductions. A community service board which reduces the number of~~
219 ~~members of its governing board shall designate which position or positions are to be~~
220 ~~eliminated and shall make reasonable efforts to eliminate any position or positions of~~
221 ~~governing board members whose terms expire on or before June 30, 2014; provided,~~
222 ~~however, that members serving on the governing board of a community service board~~
223 ~~whose terms do not expire on or before June 30, 2014, shall continue to serve out the~~
224 ~~terms of office to which they were appointed, regardless of whether this causes a~~
225 ~~governing board to temporarily exceed the maximum number of members. Any~~
226 ~~additional positions created in conformity with such paragraphs (2) and (3) may be filled~~
227 ~~on July 1, 2014, and the governing authority of a county that is otherwise authorized to~~
228 ~~appoint such additional member or members to the governing board of a community~~
229 ~~service board may do so no sooner than May 1, 2014, but any person so appointed shall~~

230 ~~not take office until July 1, 2014. If a position on such governing board of the~~
231 ~~community service board is not filled on July 1, 2014, a vacancy in that position shall be~~
232 ~~deemed to have occurred on that date. A governing board of the community service~~
233 ~~board is authorized to make whatever changes necessary in the terms of office of its~~
234 ~~members in order to achieve the staggering of terms required by subsection (h) of this~~
235 ~~Code section;~~

236 (5)(A) A person shall not be eligible to be appointed to or serve on a governing board
237 of the community service board if such person is:

238 (i) A member of the regional planning board which serves the region in which that
239 community service board is located;

240 (ii) An employee or board member of a public or private entity which contracts with
241 the department to provide mental health, developmental disabilities, and addictive
242 diseases services within the community service board area served by that community
243 service board;

244 (iii) An employee of that community service board or employee or board member of
245 any private or public group, organization, or service provider which contracts with or
246 receives funds from that community service board; or

247 (iv) A former employee of that community service board until a period of at least two
248 years has passed since the time such person was employed by that community service
249 board.

250 (B) A person shall not be eligible to be appointed to or serve on a governing board of
251 the community service board if such person's spouse, parent, child, or sibling is a
252 member of that governing board or a member, employee, or board member specified
253 in this paragraph. With respect to appointments by the same county governing
254 authority, no person who has served a full term or more on a governing board of the
255 community service board may be appointed to a regional planning board until a period
256 of at least two years has passed since the time such person served on the governing

257 board of the community service board; and no person who has served a full term or
258 more on a regional planning board may be appointed to the governing board of the
259 community service board until a period of at least two years has passed since the time
260 such person has served on the regional planning board; and

261 (6) A governing board of the community service board created in accordance with this
262 subsection shall reconstitute its governing board membership in conformity with the most
263 recent United States decennial census in accordance with subparagraph (d)(2)(C) of Code
264 Section 1-3-1."

265 "(d) Each county in which the governing authority of the county is authorized to appoint
266 members to the governing board of the community service board shall participate with ~~the~~
267 such board and the department in the operation of the program through the community
268 service board. All contractual obligations, including, but not limited to, real estate leases,
269 rentals, and other property agreements, other duties, rights, and benefits of the mental
270 health, developmental disabilities, and addictive diseases service areas in existence on June
271 30, ~~2014~~ 2026, shall continue to exist along with the new powers granted to the community
272 service boards effective July 1, ~~2014~~ 2026."

273 "(f) If the conditions enumerated in subsection (e) of this Code section are not met prior
274 to or on December 31, 1993, a community service board as provided in subsection (b) of
275 this Code section shall be established and appointed by January 31, 1994, to govern the
276 provision of disability services within the boundaries of the community service board.
277 Such community service board shall have the authority to adopt bylaws and undertake
278 organizational and contractual activities after January 31, 1994; provided, however, that
279 the community service board established pursuant to this Code section may not begin
280 providing services to clients until July 1, 1994."

281 "(h)(1)(A) The governing board of each community service board shall adopt bylaws
282 and operational policies and guidelines in conformity with the provisions of this

283 chapter. Such bylaws shall incorporate, at a minimum, the unified bylaws established
284 by the department pursuant to subparagraph (B) of this paragraph.

285 (B) No later than December 31, 2026, the department shall establish unified bylaws for
286 adoption by community service boards. At a minimum, such unified ~~Those~~ bylaws
287 shall address governing board appointment and removal procedures, initial terms of
288 governing board members, the staggering of terms, quorum, a mechanism for ensuring
289 that consumers of disability services and family members of consumers constitute no
290 less than 50 percent of the governing board members appointed pursuant to paragraphs
291 (1) and (2) of subsection (b) of this Code section, and a mechanism for ensuring
292 equitable representation of the various disability groups.

293 (2) A quorum for the transaction of any business and for the exercise of any power or
294 function of the governing board of the community service board shall consist of a
295 majority of the executive director plus the total number of filled governing board member
296 positions appointed pursuant to subsection (b) of this Code section. A vote of the
297 majority of such quorum shall be the act of the governing board of the community service
298 board except where the bylaws of the community service board may require a greater
299 vote.

300 (3) The regular term of office for each member of the governing board of the community
301 service board, excluding the executive director, shall be three years. Vacancies on such
302 governing board shall be filled in the same manner as the original appointment. ~~For~~
303 ~~purposes of~~

304 (4) As used in this subsection, the term 'equitable representation of the various disability
305 groups' means that consumers and family members of such consumers who constitute no
306 less than 50 percent of the governing board members holding membership pursuant to
307 paragraphs (1) and (2) of subsection (b) of this Code section shall be appointed so as to
308 assure that an equal number of such members to the fullest extent possible represents
309 mental health, developmental disabilities, and addictive diseases interests.

310 (i) ~~A~~ The governing board of each community service board which is composed of
311 members who are appointed thereto by the governing authority of only one county shall
312 have a minimum of seven and no more than nine members, not including the executive
313 director and any additional members appointed pursuant to paragraphs (2) and (3) of
314 subsection (b) of this Code section, notwithstanding the provisions of subsection (b) of this
315 Code section, which members in all other respects shall be appointed as provided in this
316 Code section.

317 (j) No governing board member, ~~officer,~~ or employee of a community service board who
318 has authority to take, direct others to take, recommend, or approve any personnel action
319 shall take or threaten action against any employee of a community service board as a
320 reprisal for making a complaint or disclosing information concerning the possible existence
321 of any activity constituting fraud, waste, or abuse in or relating to the programs, operations,
322 or client services of the community service board, to the governing board of the community
323 service board, to a member of the General Assembly, or to the department unless the
324 complaint was made or the information was disclosed with the knowledge that it was false
325 or with willful disregard for its truth or falsity. Any action taken in violation of this
326 subsection shall give the public employee a right to have such action set aside in a
327 proceeding instituted in the superior court.

328 (k) A member of a governing board of the community service board, excluding the
329 executive director, who after notice that such member has failed to complete any required
330 training prescribed by the department pursuant to paragraph (6) of Code Section 37-1-20
331 continues such failure for 30 days may be removed from office by the remaining members
332 of the governing board of the community service board or by the commissioner pursuant
333 to removal provisions in the unified bylaws."

334 "(n) Each member of the governing board of a community service board shall comply with
335 the code of ethics for members of boards, commissions, and authorities as set forth in Code
336 Section 45-10-3. A governing board member who fails to comply with such code may be

337 subject to removal from office by the remaining members of the governing board of the
 338 community service board or by the commissioner as authorized in Code Section 37-2-10.
 339 The governing board of the community service board shall revise the bylaws of the
 340 community service board adopted in accordance with subsection (h) of this Code section
 341 to reflect the requirements of this subsection."

342 **SECTION 4.**

343 Said title is further amended by revising Code Section 37-2-6.1, relating to community
 344 service boards, executive director, staff, budget, facilities, powers and duties, exemption
 345 from state and local taxation, as follows:

346 "37-2-6.1.

347 ~~(a)(1)(A) Each The governing board of each community service board shall employ~~
 348 ~~have an executive director to serve as its chief executive officer and shall prescribe the~~
 349 ~~duties thereof. The selection of the executive director and all terms of compensation~~
 350 ~~shall be set by the governing board of each community service board and shall be~~
 351 ~~subject to review and approval by the commissioner prior to any offer of employment~~
 352 ~~or at any point thereafter where the terms of compensation are proposed to be~~
 353 ~~substantially altered. Such contracts shall be reviewed by the commissioner every five~~
 354 ~~years. Further, the commissioner shall be required to review and approve the selection~~
 355 ~~of the executive director of each community service board for adherence to minimum~~
 356 ~~qualifications for the position as prescribed by the department.~~

357 (B)(i) On and after July 1, 2026, except as otherwise provided in division (ii) of this
 358 subparagraph, each executive director shall be appointed and subject to removal by
 359 the commissioner and shall be an employee of the department. Executive directors
 360 appointed by the commissioner shall meet such minimum qualifications as prescribed
 361 by the commissioner. The members of the governing board of the community service
 362 board shall be authorized to participate in the selection process for an executive

363 director for such board and provide input to the commissioner during such process;
364 provided, however, that the commissioner shall have the authority to make all final
365 employment decisions. The commissioner may obtain the approval of the governing
366 board in the appointment of the executive director.

367 (ii) Any individual employed as an executive director as of June 30, 2026, shall
368 continue to serve as executive director of such applicable community service board
369 on and after July 1, 2026. Each such individual may elect, no later than August 1,
370 2026, to continue in such role as an employee of the community service board. In the
371 event that any such executive director opts to remain in the employment of the
372 community service board, such individual shall enter into a three-party contract
373 between the community service board, the department, and such individual so as to
374 establish procedures and protocols for the services to be provided by such individual
375 as executive director. In the event that any such executive director does not elect, by
376 August 1, 2026, to continue in such role as an employee of the community service
377 board, such executive director shall become an employee of the department, effective
378 August 1, 2026. Nothing in this subparagraph shall be construed to limit the authority
379 of the commissioner, department, or other entity or official to remove or discipline
380 any such individual pursuant to Code Section 37-2-10 or any other provision of law
381 or pursuant to the terms of a three-party contract entered into pursuant to this
382 subparagraph.

383 ~~(C) The executive director shall direct the day-to-day operations of the community~~
384 ~~service board. Such have powers, duties, and responsibilities set forth in subsection (d)~~
385 ~~of this Code section. The executive director shall be appointed and removed by the~~
386 ~~community service board pursuant to this subsection and shall appoint other necessary~~
387 ~~staff pursuant to an annual budget adopted by the governing board and approved by the~~
388 ~~executive director, which budget shall provide for securing appropriate facilities, sites,~~
389 ~~and professionals necessary for the provision of disability and health services.~~

390 ~~Notwithstanding any other provision of law to the contrary, the governing board of the~~
 391 ~~community service board may delegate any power, authority, duty, or function to its~~
 392 ~~executive director or other staff. The executive director or other staff is authorized to~~
 393 ~~exercise any power, authority, duty, or function on behalf of the governing board of the~~
 394 ~~community service board.~~

395 (2) The executive director ~~or~~ and any full-time or part-time employee of a community
 396 service board shall have a responsibility to avoid any conflict of interest in a manner that
 397 is consistent with the declarations found in Code Section 45-10-21. Such executive
 398 director and employees shall not transact any business with that community service board
 399 as prohibited in Code Section 45-10-23 unless any such transaction falls under the
 400 exceptions granted in Code Section 45-10-25. Transactions that fall under such
 401 exceptions shall be disclosed to the governing board of the community service board ~~in~~
 402 ~~the manner as such governing board shall determine and to the department in a manner~~
 403 ~~to be determined by the governing board and the department. Such transactions shall also~~
 404 ~~be disclosed~~ yearly to the State Ethics Commission as prescribed in Code
 405 Section 45-10-26. The ~~governing board of the community service board~~ department shall
 406 promulgate policies and procedures governing executive director and community service
 407 board employee conflicts of interest and establish a code of ethics for the executive
 408 director and employees of the community service board.

409 (b) The governing board of each community service board ~~or each community service~~
 410 ~~board, under the jurisdiction of its governing board;~~ shall perform duties, responsibilities,
 411 and functions and may exercise power and authority described in this subsection as
 412 follows:

413 (1) The governing board of each community service board shall adopt bylaws for the
 414 conduct of its affairs ~~and the affairs of their respective community service boards;~~
 415 provided, however, that ~~the~~ each such governing board ~~of a community service board~~
 416 shall meet at least quarterly, and that all such meetings and any bylaws shall be open to

417 the public, as otherwise required under Georgia law; and provided, further, that such
418 bylaws shall be approved by the executive director prior to adoption;

419 (2) The governing board of each community service board shall be required to review
420 and approve the annual budget of the community service board and shall be required to
421 establish the general policies related to such budget to be followed by the community
422 service board; provided, however, that such annual budget and policies shall be approved
423 by the executive director prior to approval by the governing board;

424 (3) The governing board of each community service board shall elect a chairperson, vice
425 chairperson, secretary, and treasurer from among its membership. Such officers shall
426 serve for such terms as shall be prescribed in the governing board's bylaws or until their
427 respective successors are elected and qualified. No governing board member shall hold
428 more than one office of the governing board of a community service board, except that
429 the same member may serve as secretary and treasurer concurrently. The bylaws of the
430 governing board of each community service board shall provide for any other officers of
431 such board and the means of their selection, the terms of office of the officers, and an
432 annual meeting to elect officers; and

433 (4) Each member of the governing board of each community service board may, upon
434 approval of the executive director, receive reimbursement for actual expenses incurred
435 in carrying out the duties of such office; provided, however, that such reimbursement
436 shall not exceed the rates and allowances set for state employees by the Office of
437 Planning and Budget or the mileage allowance for use of a personal car as that received
438 by all other state officials and employees or a travel allowance of actual transportation
439 cost if traveling by public carrier.

440 (c) Each community service board shall perform duties, responsibilities, and functions and
441 may exercise power and authority described in this subsection as follows:

442 (3)(1) Each community service board shall provide an adequate range of disability
443 services as prescribed by the department;

444 ~~(4)~~(2) Each community service board may make and enter into all contracts necessary
445 and incidental to the performance of its duties and functions; provided, however, that, on
446 and after July 1, 2026, no contract, contract renewal, contract amendment, or contract
447 extension shall be executed on behalf of a community service board unless executed by
448 the executive director appointed pursuant to paragraph (1) of subsection (a) of this Code
449 section. The provisions of this paragraph shall apply regardless of whether the contract,
450 renewal, amendment, or extension is specifically authorized under this Code section;
451 provided, however, that notes or other instruments authorized under this paragraph may
452 be approved and shall not be required to be executed by the executive director;

453 ~~(5)~~(3) Each community service board may acquire by purchase, gift, lease, or otherwise
454 and may own, hold, improve, use, and sell, convey, exchange, transfer, lease, sublease,
455 and dispose of real and personal property of every kind and character, or any interest
456 therein, for its corporate purposes; provided, however, that, on and after July 1, 2026, any
457 purchase, gift, lease, sale, conveyance, exchange, transfer, sublease, or disposition of real
458 or personal property, or any interest therein, shall be approved by the executive director
459 appointed pursuant to paragraph (1) of subsection (a) of this Code section;

460 ~~(6)~~(4) Each community service board may contract to utilize the services of the
461 Department of Administrative Services, the state auditor, or any other agency of state,
462 local, or federal government;

463 ~~(7)~~(5) Each community service board may provide, either independently or through
464 contract with appropriate state or local governmental entities, the following benefits to
465 its employees, their dependents, and survivors, in addition to any compensation or other
466 benefits provided to such persons:

467 (A)(i) Retirement, pension, disability, medical, and hospitalization benefits, through
468 the purchase of insurance or otherwise, but medical and hospitalization benefits may
469 only be provided through the Department of Community Health under the same

470 conditions as provided for such benefits to state employees, and the Department of
471 Community Health shall so provide if requested;

472 (ii) During any period in which an employee of a community service board is
473 covered under the health insurance plan established by the Department of Community
474 Health, there shall be withheld from each salary payment of such employee, as the
475 employee share of the costs of coverage under such health insurance plan, such
476 portion of the premium or subscription charges as may be established by the Board
477 of Community Health.

478 (iii) As the local employer's share, the community service board shall contribute to
479 the health insurance fund such portion of the cost of such benefits as may be
480 established by the Governor and the Board of Community Health and, in addition
481 thereto, an amount to be established by the Board of Community Health to defray the
482 cost of administration. The benefit cost portion shall be determined based upon a
483 percentage of the total outlay for the salaries of employees of the community service
484 board as established annually by an appropriation of the General Assembly. If a
485 community service board fails to remit the employer's share, as provided in this Code
486 section, for a period greater than 90 days, it shall be the duty of the Department of
487 Community Health to notify the commissioner of such failure and it shall be the duty
488 of the commissioner to, with reasonable promptness, withhold from the community
489 service board which has failed to remit sufficient state funds to fully satisfy the
490 outstanding obligation of the community service board to the health insurance fund.
491 Such withheld funds shall be promptly transmitted to the Department of Community
492 Health;

493 (B) Life insurance coverage and coverage under federal old age and survivors'
494 insurance programs;

495 (C) Sick leave, annual leave, and holiday leave; and

496 (D) Any other similar benefits, including, but not limited to, death benefits;

497 ~~(8)~~(6) Each community service board may cooperate with all units of local government
498 in the counties where the community service board provides services as well as
499 neighboring regions and with the programs of other departments, agencies, and regional
500 commissions and regional planning boards;

501 ~~(9)~~(7) Each community service board shall establish and maintain a personnel program
502 for its employees and fix the compensation and terms of compensation of its employees;
503 provided, however, that each community service board shall comply with the provisions
504 of Chapter 20 of Title 45; for so long as and to the extent that each employee of such
505 board remains subject to the rules and regulations of the State Personnel Board or as
506 otherwise provided by law;

507 ~~(10)~~(8) Each community service board may receive and administer grants, gifts,
508 contracts, moneys, and donations for purposes pertaining to the delivery of disability
509 services or of health services;

510 ~~(11)~~(9) Each community service board may establish fees for the provision of disability
511 services or health services according to the terms of contracts entered into with the
512 department, Department of Human Services, Department of Public Health, or Department
513 of Community Health, as appropriate; provided, however, that all fees collected shall be
514 used solely in accordance with the statutory nonprofit and public purposes of community
515 service boards as prescribed in this article;

516 ~~(12)~~(10) Each community service board may accept appropriations, loans of funds,
517 facilities, equipment, and supplies from local governmental entities in the counties where
518 the community service board provides services;

519 ~~(13)~~ Each member of the governing board of a community service board may, upon
520 approval of the executive director, receive reimbursement for actual expenses incurred
521 in carrying out the duties of such office; provided, however, that such reimbursement
522 shall not exceed the rates and allowances set for state employees by the Office of
523 Planning and Budget or the mileage allowance for use of a personal car as that received

524 ~~by all other state officials and employees or a travel allowance of actual transportation~~
525 ~~cost if traveling by public carrier;~~

526 ~~(14) The governing board of each community service board shall elect a chairperson and~~
527 ~~vice chairperson from among its membership. The governing board members shall also~~
528 ~~elect a secretary and treasurer from among its membership or may designate the~~
529 ~~executive director of the community service board to serve in one or both offices. Such~~
530 ~~officers shall serve for such terms as shall be prescribed in the bylaws of the community~~
531 ~~service board or until their respective successors are elected and qualified. No governing~~
532 ~~board member shall hold more than one office of the governing board of a community~~
533 ~~service board, except that the same person may serve as secretary and treasurer. The~~
534 ~~bylaws of the governing board of a community service board shall provide for any other~~
535 ~~officers of such board and the means of their selection, the terms of office of the officers,~~
536 ~~and an annual meeting to elect officers;~~

537 ~~(15)~~(11) Each community service board may have a seal and alter it;

538 ~~(16)~~(12) Each community service board may establish fees, rates, rents, and charges for
539 the use of facilities of the community service board for the provision of disability services
540 or of health services, in accordance with the terms of contracts entered into with the
541 department, Department of Human Services, Department of Public Health, or Department
542 of Community Health, as appropriate;

543 ~~(17)~~(13) Each community service board may borrow money for any business purpose
544 and may incur debt, liabilities, and obligations for any business purpose; provided,
545 however, that, on and after July 1, 2026, any such debt, liability, or obligation shall be
546 approved by the executive director appointed pursuant to paragraph (1) of subsection (a)
547 of this Code section. A debt, liability, or obligation incurred by a community service
548 board shall not be considered a debt, liability, or obligation of the state or any county or
549 any municipality or any political subdivision of the state. A community service board
550 may not borrow money as permitted by this Code section if the highest aggregate annual

551 debt service requirements of the then current fiscal year or any subsequent year for
552 outstanding borrowings of the community service board, including the proposed
553 borrowing, exceed 15 percent of the total revenues of the community service board in its
554 fiscal year immediately preceding the fiscal year in which such debt is to be incurred.
555 Interest paid upon such borrowings shall be exempt from taxation by the state or its
556 political subdivisions. A state contract with a community service board shall not be used
557 or accepted as security or collateral for a debt, liability, or obligation of a community
558 service board without the prior written approval of the commissioner;

559 ~~(18)~~(14) Each community service board, to the extent authorized by law and the contract
560 for the funds involved, may carry forward without lapse fund balances and establish
561 operating, capital, and debt reserve accounts from revenues and grants derived from state,
562 county, and all other sources; and

563 ~~(19)~~(15) Each community service board may operate, establish, or operate and establish
564 facilities deemed by the community service board as necessary and convenient for the
565 administration, operation, or provision of disability services or of health services by the
566 community service board and may construct, reconstruct, improve, alter, repair, and equip
567 such facilities to the extent authorized by state and federal law.

568 (d) On and after July 1, 2026, in addition to those powers, duties, and responsibilities
569 given to the executive director as authorized by this chapter, the executive director shall
570 exercise power and authority to:

571 (1) Recruit, hire, manage, discipline, and terminate employees of the community service
572 board; provided, however, that any such individual who is employed as of June 30, 2026,
573 may continue to be employed;

574 (2) Terminate any contract of the community service board in accordance with the terms
575 of any such contract;

576 (3) Create and establish operational and employment policies for the community service
577 board;

578 (4) Create and establish clinical standards and policies for the community service board;
579 and

580 (5) Provide continuing management of the day-to-day operations of the community
581 service board, including, but not limited to, the community service board's performance
582 of its contracts.

583 (e)(1) The governing board may delegate to the executive director the authority to
584 perform any or all duties, responsibilities, and functions, and to exercise any or all of the
585 powers and authorities described in subsection (c) of this Code section.

586 (2) Upon a determination that a community service board is not properly performing any
587 or all of the duties, responsibilities, and functions or exercising any or all of the powers
588 and authorities described in this Code section, the commissioner may, upon the approval
589 of the Governor, authorize the executive director to perform such duties, responsibilities,
590 and functions and to exercise such powers and authorities, except those described in
591 subsection (m) of this Code section, without the approval or consent of the governing
592 board.

593 (e)(f) Nothing shall prohibit a community service board from contracting with any county
594 governing authority, private or other public provider, or hospital for the provision of
595 disability services or of health services.

596 (d)(g) Each community service board exists for nonprofit and public purposes, and it is
597 found and declared that the carrying out of the purposes of each community service board
598 is exclusively for public benefit and its property is public property. Thus, no community
599 service board shall be required to pay any state or local ad valorem, sales, use, or income
600 taxes.

601 (e)(h) A community service board shall not have the power to tax, the power to issue
602 general obligation bonds or revenue bonds or revenue certificates, or the power to
603 financially obligate the state or any county or any municipal corporation.

604 ~~(f)~~(i) A community service board shall not operate any facility for profit. A community
605 service board may fix fees, rents, rates, and charges that are reasonably expected to produce
606 revenues, which, together with all other funds of the community service board, will be
607 sufficient to administer, operate, and provide the following:

- 608 (1) Disability services or health services;
- 609 (2) The cost of acquiring, constructing, equipping, maintaining, repairing, and operating
610 its facilities; and
- 611 (3) The creation and maintenance of reserves sufficient to meet principal and interest
612 payments due on any obligation of the community service board.

613 ~~(g)~~(j) Each community service board may provide reasonable reserves for the
614 improvement, replacement, or expansion of its facilities and services. Reserves under this
615 subsection shall be subject to the limitations in paragraph ~~(17)~~ (13) of subsection ~~(b)~~ (c) of
616 this Code section.

617 ~~(h)~~(k) Each county and municipal corporation of this state is authorized to convey or lease
618 property of such county or municipal corporation to a community service board for its
619 public purposes. Any property conveyed or leased to a community ~~services~~ service board
620 by a county or municipal corporation shall be operated by such community service board
621 in accordance with this chapter and the terms of the community service board's agreements
622 with the county or municipal corporation providing such conveyance or lease.

623 ~~(i)~~(l) Each community service board and any entity created or formed by such community
624 service board pursuant to subsection ~~(j)~~ (m) of this Code section shall keep books of
625 account reflecting all funds received, expended, and administered by the community
626 service board in accordance with generally accepted accounting principles. The
627 community service board and an entity created or formed by such community service
628 board, if any, pursuant to subsection ~~(j)~~ (m) of this Code section shall assure the inclusion
629 in its annual audit any information or procedures required by the department. The
630 community service board and an entity created or formed by such community service

631 board, if any, pursuant to subsection ~~(j)~~ (m) of this Code section shall rotate audit firms at
632 least once every five years. Copies of the annual audit and all findings shall be submitted
633 to the department and the governing board of the community service board, or in the case
634 of an entity created or formed by the community service board, if any, to the governing
635 board of the community service board, the governing board of such entity, and the
636 department within 60 days of completion of the audit.

637 ~~(j)(m)~~ By action of its governing board and subject Subject to the approval of the
638 executive director and the commissioner and the governing board of the community service
639 board, a community service board may create, form, or become a member of a nonprofit
640 corporation, limited liability company, or other nonprofit entity, the voting membership of
641 which shall be limited to community service boards, governmental entities, nonprofit
642 corporations, or a combination thereof, if such entity is created for purposes that are within
643 the powers of the community service board, for the cooperative functioning of its members,
644 or a combination thereof; provided, however, that no funds provided pursuant to a contract
645 between the department and the community service board may be used in the formation or
646 operation of the nonprofit corporation, limited liability company, or other nonprofit entity.
647 The power of the governing board to so act shall not be delegated to the executive director
648 or to any other person, entity, or agency, either by the governing board or by the
649 commissioner, unless otherwise authorized by law. No community service board, whether
650 or not it exercises the power authorized by this subsection, shall be relieved of compliance
651 with Chapter 14 of Title 50, relating to open and public meetings, and Article 4 of Chapter
652 18 of Title 50, relating to ~~inspection of public~~ open records, unless otherwise provided by
653 law. The provisions of this subsection relating to the approval of the commissioner to the
654 contrary notwithstanding, nothing in this subsection shall prohibit a community service
655 board from creating, forming, or becoming a member of a national, regional, or state trade
656 association or business league as defined for tax exempt purposes by the United States
657 Internal Revenue Service for the benefit of member community service boards and similar

658 organizations; provided, however, that such action shall be approved by the executive
659 director.

660 ~~(k)~~(n) No community service board shall employ or retain in employment, either directly
661 or indirectly through contract, any person who is receiving a retirement benefit from the
662 Employees' Retirement System of Georgia except in accordance with the provisions of
663 Code Section 47-2-112; provided, however, that any such person who is employed as of
664 July 1, 2004, may continue to be employed.

665 ~~(h)~~(o) A community service board may join or form and operate, either directly or
666 indirectly, one or more networks of community service boards, disability or health service
667 professionals, and other providers of disability services or health services to arrange for the
668 provision of disability services or health services through such networks; to contract either
669 directly or through such networks with the Department of Community Health to provide
670 services to Medicaid beneficiaries; to provide disability services or health services in an
671 efficient and cost-effective manner on a prepaid, capitation, or other reimbursement basis;
672 and to undertake other disability or health services related managed care activities. For
673 purposes of this subsection only and notwithstanding Code Section 33-3-3 or any other
674 provision of law, a community service board shall be permitted to and shall comply with
675 the requirements of Chapter 20A of Title 33 to the extent that such requirements apply to
676 the activities undertaken by the community service board or by a community service board
677 under this subsection or subsection ~~(j)~~ (m) of this Code section. No community service
678 board, whether or not it exercises the powers authorized by this subsection, shall be
679 relieved of compliance with Article 4 of Chapter 18 of Title 50, relating to ~~inspection of~~
680 ~~public~~ open records, unless otherwise provided by law. Any licensed health care provider
681 shall be eligible to apply to become a participating provider under such a plan or network
682 that provides coverage for health care, disability services, or health services which are
683 within the lawful scope of the provider's license, but nothing in this Code section shall be

684 construed to require any such plan or network to provide coverage for any specific health
685 care, disability service, or health service."

686 **SECTION 5.**

687 Said title is further amended by revising subsection (a) of Code Section 37-2-6.4, relating to
688 reconstituting or converting of organizational structure and formation of new community
689 service board, as follows:

690 "(a) Notwithstanding any other provisions of this chapter, a community service board may
691 reconstitute or convert its organizational structure in the following ways:

692 (1) With the approval of the governing board of the community service board, ~~and the~~
693 approval of the county governing authorities of the counties served by the community
694 service board, and the approval of the commissioner, the community service board may
695 convert to a private nonprofit corporation. So long as the reconstituted organization
696 continues to serve a public purpose as defined by the department, the Department of
697 Human Services, or the Department of Public Health, as appropriate, such organization
698 shall be authorized to retain the use of assets, equipment, and resources purchased with
699 state and federal funds by the former community service board. In the event the new
700 private nonprofit fails to serve such public purpose, those assets, equipment, and
701 resources purchased by the former community service board with state and federal funds
702 shall be returned to the department, the Department of Human Services, or the
703 Department of Public Health, as appropriate, or to an agency designated by such
704 department. For a period of three years following the community service board's
705 conversion to a private nonprofit corporation, the private nonprofit corporation shall
706 ensure that consumers of disability services or health services, as appropriate, and family
707 members of such consumers constitute a majority of the appointed board members and
708 that the various disability groups and health services groups are equitably represented on
709 the board of the nonprofit corporation;

710 (2) With the approval of the governing board of the community service board, ~~and the~~
 711 approval of all of the county governing authorities of the counties served by the
 712 community service board, and the approval of the commissioner, the community service
 713 board may convert to a unit of county government. All assets, equipment, and resources
 714 of the community service board shall be transferred to the new unit of county
 715 government; or

716 (3) With the approval of the governing board of the community service board, ~~and the~~
 717 approval of all of the county governing authorities of the counties served by the
 718 community service board, and the approval of the commissioner, the community service
 719 board may become a component part of a hospital authority in those counties served by
 720 the community service board. So long as the hospital authority continues to serve a
 721 public purpose as defined by the department, the Department of Human Services, or the
 722 Department of Public Health, as appropriate, the hospital authority shall be authorized to
 723 retain possession of those assets, equipment, and resources purchased by the community
 724 service board with state and federal funds. In the event the hospital authority fails to
 725 serve such public purpose, those assets, equipment, and resources purchased by the
 726 community service board with state and federal funds shall be returned to the department,
 727 the Department of Human Services, or the Department of Public Health, as appropriate,
 728 or to an agency designated by such appropriate department or departments."

729

SECTION 6.

730 Said title is further amended by revising subsections (a) and (b) of Code Section 37-2-6.5,
 731 relating to cessation of operations by community service board, notification, and continuation
 732 of operations by successor board, county board of health, or outside manager, as follows:

733 "(a) By joint action of the ~~membership of a community service board created pursuant to~~
 734 ~~Code Section 37-2-6~~ governing board and the governing authority of each county within
 735 the community service board area, and with the approval of the Governor, such community

736 service board may cease operations; provided, however, that such community service board
737 shall notify the commissioner at least 90 days in advance of the meeting of the community
738 service board in which such action is to be taken. Such joint action shall indicate the date
739 on which the community service board shall cease operations.

740 (b) Upon receipt of notification that a community service board intends to cease
741 operations, the commissioner shall notify the chairperson and executive director of such
742 community service board and the governing authority of each county within the community
743 service board area of such board that:

744 (1) The department, after securing the approval of the Governor, intends to appoint a
745 manager or management team to manage and operate the programs and services of the
746 community service board in accordance with the provisions of paragraph (1) of
747 subsection (c) of Code Section 37-2-10 until the department shall determine:

748 (A) That such community service board should continue in operation, provided one or
749 more members appointed to such board in accordance with subsection (b) of Code
750 Section 37-2-6 shall be removed in accordance with subparagraph (c)(3)(H) of Code
751 Section 37-2-10, and the department, acting on behalf of the membership governing
752 board of the community service board, nominates a successor to a removed member
753 and advises the county governing authority that appointed such removed member to
754 appoint a successor;

755 (B) That all of the members of such community service board appointed in accordance
756 with subsection (b) of Code Section 37-2-6 shall be removed and such community
757 service board shall be reconstituted; and that the department shall assist the county
758 governing authorities in making appointments to the new community service board; or

759 (C) In the case where the membership of the governing board of such community
760 service board is the membership of a county board of health designated in accordance
761 with Code Section 31-3-12.1 or subsection (e) of Code Section 37-2-6, that the entire
762 membership of the community service governing board should be removed and the

763 ~~membership of the community service board~~ be reconstituted in accordance with
764 subsection (b) of Code Section 37-2-6;

765 (2) The department, with the approval of the commissioner, intends to redesignate the
766 boundaries of the community service board area served by such board pursuant to
767 subsection (b) of Code Section 37-2-3 by expanding the boundaries of a community
768 service board area served by another community service board to include the counties in
769 the community service board area served by the community service board that intends to
770 cease operations so that the community service board serving such area may assume
771 responsibility for the provision of disability services within such counties;

772 (3) The department intends to request pursuant to Code Section 31-3-12.1 that the
773 governing authority of a county within the community service board area of such board
774 authorize the membership of the board of health of such county to serve as the
775 membership of the governing board of such community service board; or

776 (4) The department, after securing the approval of the Governor, intends to appoint a
777 manager or management team to manage and operate the programs and services of the
778 community service board until such time as arrangements can be made to secure one or
779 more alternate service providers to assume responsibility for the provision of services
780 previously provided by the community service board."

781 **SECTION 7.**

782 Said title is further amended by revising subsection (a) of Code Section 37-2-11.1, relating
783 to venue in actions against community service board, representation by Attorney General,
784 immunity, use of legal counsel, and authority for indemnification, defense, and insurance,
785 as follows:

786 "(a) Venue for the purpose of any action against a community service board shall be the
787 county in which the principal office of the community service board is located. As used
788 in ~~For purposes of this Code section, the term 'principal office' shall be defined as~~ means

789 the facility which houses the executive director ~~or other such top administrator~~ for the
790 community service board."

791 **SECTION 8.**

792 Code Section 50-14-1 of the Official Code of Georgia Annotated, relating to meetings open
793 to the public, limitation on action to contest agency action, recording, notice of time and
794 place, access to minutes, and teleconferences, is amended by revising subsection (h) as
795 follows:

796 "(h)(1) The following bodies and committees thereof shall be authorized to conduct
797 meetings by teleconference, provided that any such meeting shall be considered to be
798 conducted in compliance with this chapter so long as the notice required by this chapter
799 is provided and, if fewer than a quorum of the members of a body or committee thereof
800 are physically present, means have been afforded for the public to have simultaneous
801 access to the teleconference meeting:

802 (A) Development authorities created pursuant to or authorized by the provisions of
803 Chapter 42 or Chapter 62 of Title 36, by or pursuant to Article IX, Section VI,
804 Paragraph III of the Georgia Constitution, or by or pursuant to any amendment to the
805 Constitution continued pursuant to the authority of Article XI, Section I, Paragraph IV
806 of the Constitution;

807 (B) Community improvement districts created pursuant to the provisions of Article IX,
808 Section VII of the Georgia Constitution;

809 (C) Hospital authorities created pursuant to Article 4 of Chapter 7 of Title 31;

810 (D) The board of trustees or other governing body of any large retirement system as
811 such term is defined in subsection (a) of Code Section 47-20-84;

812 (E) The board of trustees of any county or regional public library created pursuant to
813 Part 2 of Article 2 of Chapter 5 of Title 20; provided, however, that such meetings:

814 (i) Shall be held at a physical location with at least 50 percent of the board members
815 physically present; and

816 (ii) Shall provide one or more methods for public viewing of such meetings and
817 providing commentary at such meetings without being physically present at such
818 meetings; and

819 (F) Community service boards created pursuant to Article 1 of Chapter 2 of Title 37;
820 provided, however, that such meetings:

821 ~~(i) Shall be held at a physical location with at least 50 percent of the board members~~
822 ~~physically present; and~~

823 ~~(ii) Shall~~ shall provide one or more methods for public viewing of such meetings and
824 providing commentary at such meetings without being physically present at such
825 meetings.

826 (2) The participation by teleconference of members of such bodies or committees thereof
827 means full participation in the same manner as if such members were physically present.
828 In the event such teleconference meeting is a public hearing, and if fewer than a quorum
829 of the members of a body or committee thereof are physically present, then members of
830 the public shall be afforded the means to participate fully in the same manner as if such
831 members of the public were physically present."

832 **SECTION 9.**

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