

The Senate Committee on Health and Human Services offered the following substitute to SB 535:

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:

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; reconstitute the membership of its governing board in accordance with the
211 provisions of paragraphs (2) and (3) of this subsection, effective July 1, 2014.

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

230 ~~board is authorized to make whatever changes necessary in the terms of office of its~~
231 ~~members in order to achieve the staggering of terms required by subsection (h) of this~~
232 ~~Code section;~~

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

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

237 (ii) An employee or board member of a public or private entity which contracts with
238 the department to provide mental health, developmental disabilities, and addictive
239 diseases services within the community service board area served by that community
240 service board; provided, however, that this limitation shall not apply to the executive
241 director;

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

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

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

257 community service board until a period of at least two years has passed since the time
258 such person has served on the regional planning board; and

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

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

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

279 "(h)~~(1)~~(A) The governing board of each community service board shall adopt bylaws
280 and operational policies and guidelines in conformity with the provisions of this
281 chapter. Such bylaws shall incorporate, at a minimum, the unified bylaws established
282 by the department pursuant to subparagraph (B) of this paragraph.

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

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

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

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

307 ~~(i) A~~ ~~The governing board of each community service board~~ which is composed of
308 members who are appointed thereto by the governing authority of only one county shall
309 have a minimum of seven and no more than nine members, not including the executive

310 director and any additional members appointed pursuant to paragraphs (2) and (3) of
311 subsection (b) of this Code section, notwithstanding the provisions of subsection (b) of this
312 Code section, which members in all other respects shall be appointed as provided in this
313 Code section.

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

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

331 "(n) Each member of the governing board of a community service board shall comply with
332 the code of ethics for members of boards, commissions, and authorities as set forth in Code
333 Section 45-10-3. A governing board member who fails to comply with such code may be
334 subject to removal from office by the remaining members of the governing board of the
335 community service board or by the commissioner as authorized in Code Section 37-2-10.
336 The governing board of the community service board shall revise the bylaws of the

337 community service board adopted in accordance with subsection (h) of this Code section
338 to reflect the requirements of this subsection."

339 **SECTION 4.**

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

343 "37-2-6.1.

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

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

362 make all final employment decisions. The commissioner may obtain the approval of
363 the governing board in the appointment of the executive director.

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

380 (iii) Any individual selected to be appointed as an executive director pursuant to the
381 authority granted to the commissioner in this Code section who was employed by a
382 community service board as of July 1, 2026, and who has had no break in service
383 between such date and the date of promotion, may elect to serve as the executive
384 director as an employee of the community service board, only with the express
385 agreement of the commissioner. In the event that any such executive director elects
386 to remain in the employment of the community service board, such individual shall
387 enter into a three-party contract between the community service board, the
388 department, and such individual so as to establish procedures and protocols for the

389 services to be provided by such individual as executive director. In the event that any
390 such executive director does not elect to continue in such role as an employee of the
391 community service board, such executive director shall become an employee of the
392 department. Nothing in this subparagraph shall be construed to limit the authority of
393 the commissioner, department, or other entity or official to remove or discipline any
394 such individual pursuant to Code Section 37-2-10, or any other provision of law, or
395 pursuant to the terms of a three-party contract entered into pursuant to this
396 subparagraph. Nothing in this subparagraph shall be construed to require the
397 commissioner or department to agree to the promotion of any community service
398 board employee to the role of executive director.

399 ~~(C) The executive director shall direct the day-to-day operations of the community~~
400 ~~service board. Such have powers, duties, and responsibilities set forth in subsection (d)~~
401 ~~of this Code section. The executive director shall be appointed and removed by the~~
402 ~~community service board pursuant to this subsection and shall appoint other necessary~~
403 ~~staff pursuant to an annual budget adopted by the governing board, which budget shall~~
404 ~~provide for securing appropriate facilities, sites, and professionals necessary for the~~
405 ~~provision of disability and health services. Notwithstanding any other provision of law~~
406 ~~to the contrary, the governing board of the community service board may delegate any~~
407 ~~power, authority, duty, or function to its executive director or other staff. The executive~~
408 ~~director or other staff is authorized to exercise any power, authority, duty, or function~~
409 ~~on behalf of the governing board of the community service board.~~

410 (2) The executive director ~~or~~ and any full-time or part-time employee of a community
411 service board shall have a responsibility to avoid any conflict of interest in a manner that
412 is consistent with the declarations found in Code Section 45-10-21. Such executive
413 director and employees shall not transact any business with that community service board
414 as prohibited in Code Section 45-10-23 unless any such transaction falls under the
415 exceptions granted in Code Section 45-10-25. Transactions that fall under such

416 exceptions shall be disclosed to the governing board of the community service board ~~in~~
417 ~~the manner as such governing board shall determine and to the department in a manner~~
418 to be determined by the governing board and the department. Such transactions shall also
419 be disclosed yearly to the State Ethics Commission as prescribed in Code
420 Section 45-10-26. The ~~governing board of the community service board~~ department shall
421 promulgate policies and procedures governing executive director and community service
422 board employee conflicts of interest and establish a code of ethics for the executive
423 director and employees of the community service board.

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

428 (1) The governing board of each community service board shall adopt bylaws for the
429 conduct of its affairs ~~and the affairs of their respective community service boards;~~
430 provided, however, that ~~the~~ each such governing board of a community service board
431 shall meet at least quarterly, and that all such meetings and any bylaws shall be open to
432 the public, as otherwise required under Georgia law; and provided, further, that such
433 bylaws shall be approved by the executive director prior to adoption;

434 (2) The governing board of each community service board shall be required to review
435 and approve the annual budget of the community service board and shall be required to
436 establish the general policies related to such budget to be followed by the community
437 service board; provided, however, that such annual budget and policies shall be approved
438 by the executive director prior to approval by the governing board;

439 (3) The governing board of each community service board shall elect a chairperson, vice
440 chairperson, secretary, and treasurer from among its membership. Such officers shall
441 serve for such terms as shall be prescribed in the governing board's bylaws or until their
442 respective successors are elected and qualified. No governing board member shall hold

443 more than one office of the governing board of a community service board, except that
444 the same member may serve as secretary and treasurer concurrently. The bylaws of the
445 governing board of each community service board shall provide for any other officers of
446 such board and the means of their selection, the terms of office of the officers, and an
447 annual meeting to elect officers; and

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

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

457 ~~(3)~~(1) Each community service board shall provide an adequate range of disability
458 services as prescribed by the department;

459 ~~(4)~~(2) Each community service board may make and enter into all contracts necessary
460 and incidental to the performance of its duties and functions; provided, however, that, on
461 and after July 1, 2026, no contract, contract renewal, contract amendment, or contract
462 extension shall be executed on behalf of a community service board unless executed by
463 the executive director appointed pursuant to paragraph (1) of subsection (a) of this Code
464 section. The provisions of this paragraph shall apply regardless of whether the contract,
465 renewal, amendment, or extension is specifically authorized under this Code section;
466 provided, however, that notes or other instruments authorized under this paragraph may
467 be approved and shall not be required to be executed by the executive director;

468 ~~(5)~~(3) Each community service board may acquire by purchase, gift, lease, or otherwise
469 and may own, hold, improve, use, and sell, convey, exchange, transfer, lease, sublease,

470 and dispose of real and personal property of every kind and character, or any interest
471 therein, for its corporate purposes;

472 ~~(6)~~(4) Each community service board may contract to utilize the services of the
473 Department of Administrative Services, the state auditor, or any other agency of state,
474 local, or federal government;

475 ~~(7)~~(5) Each community service board may provide, either independently or through
476 contract with appropriate state or local governmental entities, the following benefits to
477 its employees, their dependents, and survivors, in addition to any compensation or other
478 benefits provided to such persons:

479 (A)(i) Retirement, pension, disability, medical, and hospitalization benefits, through
480 the purchase of insurance or otherwise, but medical and hospitalization benefits may
481 only be provided through the Department of Community Health under the same
482 conditions as provided for such benefits to state employees, and the Department of
483 Community Health shall so provide if requested;.

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

490 (iii) As the local employer's share, the community service board shall contribute to
491 the health insurance fund such portion of the cost of such benefits as may be
492 established by the Governor and the Board of Community Health and, in addition
493 thereto, an amount to be established by the Board of Community Health to defray the
494 cost of administration. The benefit cost portion shall be determined based upon a
495 percentage of the total outlay for the salaries of employees of the community service
496 board as established annually by an appropriation of the General Assembly. If a

497 community service board fails to remit the employer's share due on or after July 1,
498 2026, as provided in this division, for a period greater than 90 days, it shall be the
499 duty of the Department of Community Health to notify the commissioner of such
500 failure and it shall be the duty of the commissioner to, with reasonable promptness,
501 withhold from the community service board which has failed to remit sufficient state
502 funds to fully satisfy the outstanding obligation of the community service board to the
503 health insurance fund. Such withheld funds shall be promptly transmitted to the
504 Department of Community Health;

505 (B) Life insurance coverage and coverage under federal old age and survivors'
506 insurance programs;

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

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

509 ~~(8)~~(6) Each community service board may cooperate with all units of local government
510 in the counties where the community service board provides services as well as
511 neighboring regions and with the programs of other departments, agencies, and regional
512 commissions and regional planning boards;

513 ~~(9)~~(7) Each community service board shall establish and maintain a personnel program
514 for its employees and fix the compensation and terms of compensation of its employees;
515 provided, however, that each community service board shall comply with the provisions
516 of Chapter 20 of Title 45; for so long as and to the extent that each employee of such
517 board remains subject to the rules and regulations of the State Personnel Board or as
518 otherwise provided by law;

519 ~~(10)~~(8) Each community service board may receive and administer grants, gifts,
520 contracts, moneys, and donations for purposes pertaining to the delivery of disability
521 services or of health services;

522 ~~(11)~~(9) Each community service board may establish fees for the provision of disability
523 services or health services according to the terms of contracts entered into with the

524 department, Department of Human Services, Department of Public Health, or Department
525 of Community Health, as appropriate; provided, however, that all fees collected shall be
526 used solely in accordance with the statutory nonprofit and public purposes of community
527 service boards as prescribed in this article;

528 ~~(12)~~(10) Each community service board may accept appropriations, loans of funds,
529 facilities, equipment, and supplies from local governmental entities in the counties where
530 the community service board provides services;

531 ~~(13)~~ Each member of the governing board of a community service board may, upon
532 approval of the executive director, receive reimbursement for actual expenses incurred
533 in carrying out the duties of such office; provided, however, that such reimbursement
534 shall not exceed the rates and allowances set for state employees by the Office of
535 Planning and Budget or the mileage allowance for use of a personal car as that received
536 by all other state officials and employees or a travel allowance of actual transportation
537 cost if traveling by public carrier;

538 ~~(14)~~ The governing board of each community service board shall elect a chairperson and
539 vice chairperson from among its membership. The governing board members shall also
540 elect a secretary and treasurer from among its membership or may designate the
541 executive director of the community service board to serve in one or both offices. Such
542 officers shall serve for such terms as shall be prescribed in the bylaws of the community
543 service board or until their respective successors are elected and qualified. No governing
544 board member shall hold more than one office of the governing board of a community
545 service board, except that the same person may serve as secretary and treasurer. The
546 bylaws of the governing board of a community service board shall provide for any other
547 officers of such board and the means of their selection, the terms of office of the officers,
548 and an annual meeting to elect officers;

549 ~~(15)~~(11) Each community service board may have a seal and alter it;

550 ~~(16)~~(12) Each community service board may establish fees, rates, rents, and charges for
551 the use of facilities of the community service board for the provision of disability services
552 or of health services, in accordance with the terms of contracts entered into with the
553 department, Department of Human Services, Department of Public Health, or Department
554 of Community Health, as appropriate;

555 ~~(17)~~(13) Each community service board may borrow money for any business purpose
556 and may incur debt, liabilities, and obligations for any business purpose; provided,
557 however, that, on and after July 1, 2026, any such debt, liability, or obligation shall be
558 approved by the executive director appointed pursuant to paragraph (1) of subsection (a)
559 of this Code section. A debt, liability, or obligation incurred by a community service
560 board shall not be considered a debt, liability, or obligation of the state or any county or
561 any municipality or any political subdivision of the state. A community service board
562 may not borrow money as permitted by this Code section if the highest aggregate annual
563 debt service requirements of the then current fiscal year or any subsequent year for
564 outstanding borrowings of the community service board, including the proposed
565 borrowing, exceed 15 percent of the total revenues of the community service board in its
566 fiscal year immediately preceding the fiscal year in which such debt is to be incurred.
567 Interest paid upon such borrowings shall be exempt from taxation by the state or its
568 political subdivisions. A state contract with a community service board shall not be used
569 or accepted as security or collateral for a debt, liability, or obligation of a community
570 service board without the prior written approval of the commissioner;

571 ~~(18)~~(14) Each community service board, to the extent authorized by law and the contract
572 for the funds involved, may carry forward without lapse fund balances and establish
573 operating, capital, and debt reserve accounts from revenues and grants derived from state,
574 county, and all other sources; and

575 ~~(19)~~(15) Each community service board may operate, establish, or operate and establish
576 facilities deemed by the community service board as necessary and convenient for the

577 administration, operation, or provision of disability services or of health services by the
578 community service board and may construct, reconstruct, improve, alter, repair, and equip
579 such facilities to the extent authorized by state and federal law.

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

583 (1) Recruit, hire, manage, discipline, and terminate employees of the community service
584 board;

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

587 (3) Create and establish operational and employment policies for the community service
588 board;

589 (4) Create and establish clinical standards and policies for the community service board;
590 and

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

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

597 (2) Upon a determination that a community service board is not properly performing any
598 or all of the duties, responsibilities, and functions or exercising any or all of the powers
599 and authorities described in this Code section, the commissioner may, upon the approval
600 of the Governor, authorize the executive director to perform such duties, responsibilities,
601 and functions and to exercise such powers and authorities, except those described in
602 subsection (m) of this Code section, without the approval or consent of the governing
603 board.

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

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

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

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

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

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

628 ~~(h)~~(k) Each county and municipal corporation of this state is authorized to convey or lease
629 property of such county or municipal corporation to a community service board for its
630 public purposes. Any property conveyed or leased to a community ~~services~~ service board

631 by a county or municipal corporation shall be operated by such community service board
632 in accordance with this chapter and the terms of the community service board's agreements
633 with the county or municipal corporation providing such conveyance or lease.

634 ~~(i)(l)~~ Each community service board and any entity created or formed by such community
635 service board pursuant to subsection ~~(j)~~ (m) of this Code section shall keep books of
636 account reflecting all funds received, expended, and administered by the community
637 service board in accordance with generally accepted accounting principles. The
638 community service board and an entity created or formed by such community service
639 board, if any, pursuant to subsection ~~(j)~~ (m) of this Code section shall assure the inclusion
640 in its annual audit any information or procedures required by the department. The
641 community service board and an entity created or formed by such community service
642 board, if any, pursuant to subsection ~~(j)~~ (m) of this Code section shall rotate audit firms at
643 least once every five years. Copies of the annual audit and all findings shall be submitted
644 to the department and the governing board of the community service board, or in the case
645 of an entity created or formed by the community service board, if any, to the governing
646 board of the community service board, the governing board of such entity, and the
647 department within 60 days of completion of the audit.

648 ~~(j)(m)~~ By action of its governing board and subject Subject to the approval of the
649 executive director and the commissioner and the governing board of the community service
650 board, a community service board may create, form, or become a member of a nonprofit
651 corporation, limited liability company, or other nonprofit entity, the voting membership of
652 which shall be limited to community service boards, governmental entities, nonprofit
653 corporations, or a combination thereof, if such entity is created for purposes that are within
654 the powers of the community service board, for the cooperative functioning of its members,
655 or a combination thereof; provided, however, that no funds provided pursuant to a contract
656 between the department and the community service board may be used in the formation or
657 operation of the nonprofit corporation, limited liability company, or other nonprofit entity.

658 The power of the governing board to so act shall not be delegated to the executive director
659 or to any other person, entity, or agency, either by the governing board or by the
660 commissioner, unless otherwise authorized by law. No community service board, whether
661 or not it exercises the power authorized by this subsection, shall be relieved of compliance
662 with Chapter 14 of Title 50, relating to open and public meetings, and Article 4 of Chapter
663 18 of Title 50, relating to inspection of public open records, unless otherwise provided by
664 law. The provisions of this subsection relating to the approval of the commissioner to the
665 contrary notwithstanding, nothing in this subsection shall prohibit a community service
666 board from creating, forming, or becoming a member of a national, regional, or state trade
667 association or business league as defined for tax exempt purposes by the United States
668 Internal Revenue Service for the benefit of member community service boards and similar
669 organizations; provided, however, that such action shall be approved by the executive
670 director.

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

676 ~~(h)(o)~~ A community service board may join or form and operate, either directly or
677 indirectly, one or more networks of community service boards, disability or health service
678 professionals, and other providers of disability services or health services to arrange for the
679 provision of disability services or health services through such networks; to contract either
680 directly or through such networks with the Department of Community Health to provide
681 services to Medicaid beneficiaries; to provide disability services or health services in an
682 efficient and cost-effective manner on a prepaid, capitation, or other reimbursement basis;
683 and to undertake other disability or health services related managed care activities. For
684 purposes of this subsection only and notwithstanding Code Section 33-3-3 or any other

685 provision of law, a community service board shall be permitted to and shall comply with
686 the requirements of Chapter 20A of Title 33 to the extent that such requirements apply to
687 the activities undertaken by the community service board or by a community service board
688 under this subsection or subsection (j) ~~(m)~~ of this Code section. No community service
689 board, whether or not it exercises the powers authorized by this subsection, shall be
690 relieved of compliance with Article 4 of Chapter 18 of Title 50, relating to ~~inspection of~~
691 ~~public open~~ records, unless otherwise provided by law. Any licensed health care provider
692 shall be eligible to apply to become a participating provider under such a plan or network
693 that provides coverage for health care, disability services, or health services which are
694 within the lawful scope of the provider's license, but nothing in this Code section shall be
695 construed to require any such plan or network to provide coverage for any specific health
696 care, disability service, or health service."

697

SECTION 5.

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

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

703 (1) With the approval of the governing board of the community service board, ~~and the~~
704 approval of the county governing authorities of the counties served by the community
705 service board, and the approval of the commissioner, the community service board may
706 convert to a private nonprofit corporation. So long as the reconstituted organization
707 continues to serve a public purpose as defined by the department, the Department of
708 Human Services, or the Department of Public Health, as appropriate, such organization
709 shall be authorized to retain the use of assets, equipment, and resources purchased with
710 state and federal funds by the former community service board. In the event the new

711 private nonprofit fails to serve such public purpose, those assets, equipment, and
712 resources purchased by the former community service board with state and federal funds
713 shall be returned to the department, the Department of Human Services, or the
714 Department of Public Health, as appropriate, or to an agency designated by such
715 department. For a period of three years following the community service board's
716 conversion to a private nonprofit corporation, the private nonprofit corporation shall
717 ensure that consumers of disability services or health services, as appropriate, and family
718 members of such consumers constitute a majority of the appointed board members and
719 that the various disability groups and health services groups are equitably represented on
720 the board of the nonprofit corporation;

721 (2) With the approval of the governing board of the community service board, ~~and~~ the
722 approval of all of the county governing authorities of the counties served by the
723 community service board, and the approval of the commissioner, the community service
724 board may convert to a unit of county government. All assets, equipment, and resources
725 of the community service board shall be transferred to the new unit of county
726 government; or

727 (3) With the approval of the governing board of the community service board, ~~and~~ the
728 approval of all of the county governing authorities of the counties served by the
729 community service board, and the approval of the commissioner, the community service
730 board may become a component part of a hospital authority in those counties served by
731 the community service board. So long as the hospital authority continues to serve a
732 public purpose as defined by the department, the Department of Human Services, or the
733 Department of Public Health, as appropriate, the hospital authority shall be authorized to
734 retain possession of those assets, equipment, and resources purchased by the community
735 service board with state and federal funds. In the event the hospital authority fails to
736 serve such public purpose, those assets, equipment, and resources purchased by the
737 community service board with state and federal funds shall be returned to the department,

738 the Department of Human Services, or the Department of Public Health, as appropriate,
739 or to an agency designated by such appropriate department or departments."

740 **SECTION 6.**

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

744 "(a) By joint action of the ~~membership of a community service board created pursuant to~~
745 ~~Code Section 37-2-6~~ governing board and the governing authority of each county within
746 the community service board area, and with the approval of the Governor, such community
747 service board may cease operations; provided, however, that such community service board
748 shall notify the commissioner at least 90 days in advance of the meeting of the community
749 service board in which such action is to be taken. Such joint action shall indicate the date
750 on which the community service board shall cease operations.

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

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

759 (A) That such community service board should continue in operation, provided one or
760 more members appointed to such board in accordance with subsection (b) of Code
761 Section 37-2-6 shall be removed in accordance with subparagraph (c)(3)(H) of Code
762 Section 37-2-10, and the department, acting on behalf of the ~~membership~~ governing
763 board of the community service board, nominates a successor to a removed member

764 and advises the county governing authority that appointed such removed member to
765 appoint a successor;

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

770 (C) In the case where the membership of the governing board of such community
771 service board is the membership of a county board of health designated in accordance
772 with Code Section 31-3-12.1 or subsection (e) of Code Section 37-2-6, that the entire
773 ~~membership of the community service~~ governing board should be removed and the
774 ~~membership of the community service board~~ be reconstituted in accordance with
775 subsection (b) of Code Section 37-2-6;

776 (2) The department, with the approval of the commissioner, intends to redesignate the
777 boundaries of the community service board area served by such board pursuant to
778 subsection (b) of Code Section 37-2-3 by expanding the boundaries of a community
779 service board area served by another community service board to include the counties in
780 the community service board area served by the community service board that intends to
781 cease operations so that the community service board serving such area may assume
782 responsibility for the provision of disability services within such counties;

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

787 (4) The department, after securing the approval of the Governor, intends to appoint a
788 manager or management team to manage and operate the programs and services of the
789 community service board until such time as arrangements can be made to secure one or

790 more alternate service providers to assume responsibility for the provision of services
791 previously provided by the community service board."

792 **SECTION 7.**

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

797 "(a) Venue for the purpose of any action against a community service board shall be the
798 county in which the principal office of the community service board is located. As used
799 in ~~For purposes of this Code section, the term 'principal office' shall be defined as means~~
800 the facility which houses the executive director ~~or other such top administrator~~ for the
801 community service board."

802 **SECTION 8.**

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

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

813 (A) Development authorities created pursuant to or authorized by the provisions of
814 Chapter 42 or Chapter 62 of Title 36, by or pursuant to Article IX, Section VI,

815 Paragraph III of the Georgia Constitution, or by or pursuant to any amendment to the
816 Constitution continued pursuant to the authority of Article XI, Section I, Paragraph IV
817 of the Constitution;

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

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

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

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

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

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

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

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

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

837 (2) The participation by teleconference of members of such bodies or committees thereof
838 means full participation in the same manner as if such members were physically present.
839 In the event such teleconference meeting is a public hearing, and if fewer than a quorum
840 of the members of a body or committee thereof are physically present, then members of

841 the public shall be afforded the means to participate fully in the same manner as if such
842 members of the public were physically present."

843 **SECTION 9.**

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