

The House Committee on Public and Community Health offers the following substitute to HB 1368:

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 (SUB)

SECTION 1.

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

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

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

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

SECTION 2.

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

~~"37-2-2.~~

As used in this chapter, the term:

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

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

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

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

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

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

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

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

SECTION 3.

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

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

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

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

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

- (i) With a population of 50,000 or less according to the most recent United States decennial census shall appoint one member to such governing board; and
- (ii) With a population of more than 50,000 according to the most recent United States decennial census shall appoint one member for each population increment of 50,000 or any portion thereof; or

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

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

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

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

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

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

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

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

paragraph is reached. For community service boards whose community service board areas contains fewer counties than the number of appointments made pursuant to this paragraph, the membership appointments of elected or appointed officials to the governing board shall be made in the descending order prescribed in this paragraph and this method shall be repeated until all members who hold elective or appointive office are appointed to the governing board of the community service board. In the event that the number of such county governing authorities making a cash or in-kind financial contribution to the community service board does not result in the number of appointments required by this paragraph, the remaining appointment or appointments shall be made by the governing authority or authorities of the county or counties in the community service board area with the largest population in descending order according to the most recent United States decennial census until the number of appointments required by this paragraph is reached. For community service boards whose community service board area contains three or fewer counties, the membership appointments of elected or appointed officials to the governing board shall be made in the descending order prescribed in this paragraph and this method shall be repeated until all members who hold elective or appointive office are appointed to the governing board of the community service board. In the event there is no county in the community service board area where the governing authority made a cash or in-kind financial contribution to the community service board in the county fiscal year immediately prior to the time of such appointment, the appointments required by this paragraph shall be made by the governing authority or authorities of the county or counties in the community service board area with the largest population in descending order according to the most recent United States decennial census until the number of appointments required by this paragraph is reached;

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

(i) The elected chief executive officer, by whatever name called, of the county governing authority making the appointment to the governing board of the community service board;

(ii) An elected member of such county governing authority;

(iii) The county manager of such county governing authority where such position exists as defined in Code Section 36-5-22;

(iv) The sheriff of such county;

(v) The elected chief executive officer, by whatever named called, an elected member of the governing authority, or an appointed city manager of any municipality lying wholly or partially within such county;

(vi) A member of the board of education of such county or a member of the governing board of any municipal school system lying wholly or partially within such county;

(vii) The school superintendent of such county or the superintendent of any municipal school system lying wholly or partially within such county;

(viii) The appointed public safety commissioner, police chief, or fire chief of such county or any municipality lying wholly or partially within such county; or

(ix) Any other elected official from within such county;

(D) No member of the governing board of the community service board appointed pursuant to this paragraph shall continue to serve on the governing board if such member no longer holds the elective or appointive office which made him or her eligible for appointment to such board. The term of office of an elected official appointed to serve as a member of the governing board of the community service board shall be the same as such official's elective term of office. The term of office of an appointed official appointed to serve as a member of such governing board shall be the same as that of other members of such governing board; and

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

(4) Each governing board ~~Each community service board~~ in existence on June 30, 2014, shall be reconstituted and each member of each such governing board shall be reconstituted as a member of each such reconstituted governing board, effective July 1, 2026; ~~reconstitute the membership of its governing board in accordance with the provisions of paragraphs (2) and (3) of this subsection, effective July 1, 2014.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) ~~A The governing board of each community service board~~ which is composed of members who are appointed thereto by the governing authority of only one county shall 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Disability services or health services;

(2) The cost of acquiring, constructing, equipping, maintaining, repairing, and operating its facilities; and

(3) The creation and maintenance of reserves sufficient to meet principal and interest payments due on any obligation of the community service board.

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

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

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

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

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

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

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

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

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

SECTION 5.

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

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

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

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

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

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

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

SECTION 6.

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

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

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

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

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

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

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

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

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

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

(4) The department, after securing the approval of the Governor, intends to appoint a manager or management team to manage and operate the programs and services of the 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,

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

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

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

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

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

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

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

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

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

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

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