



APPLICATION FOR APPOINTMENT
McIntosh Trail Community Service Board

Thank you for your interest in being considered as Fayette County's appointment to the **McIntosh Trail Community Service Board**.

McIntosh Trail Community Service Board members represent seven counties throughout central-western Georgia to terms which generally last three years. Meetings are typically held once every month anywhere within its seven-county district. Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings.

Please take a few minutes to complete the application and return it with a resume, if available, to Tameca P. Smith, County Clerk, via email at tsmith@fayettecountyga.gov or at 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on April 14, 2023**.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME : _____

ADDRESS : _____

TELEPHONE : (cell) _____ (home) _____

EMAIL ADDRESS : _____

Signature

Date



APPLICATION FOR APPOINTMENT McIntosh Trail Community Service Board

1. How long have you been a resident of Fayette County?
2. Why are you interested in serving on the McIntosh Trail Community Service Board?
3. What qualifications and experience do you possess for appointment to the McIntosh Trail Community Service Board?
4. List your recent employment experiences to include name of company and position.
5. Do you have any past experience relating to the McIntosh Trail Community Service Board? If so, please describe.
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?
7. Have you attended any McIntosh Trail Community Service Board meetings in the last two years and, if so, how many?
8. Are you willing to attend seminars or continuing education classes at county expense?
9. What is your vision of the county's future related to the duties of the McIntosh Trail Community Service Board?
10. Would there be any possible conflict of interest between your employment or your family and you serving on the McIntosh Trail Community Service Board?
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
12. Describe your current community involvement.
13. Have you been given a copy of the county's Ethics Ordinance?
14. Is there any reason you will not be able to comply with the County's Ethics Ordinance?

FAYETTE *Press Release*

BOARD OF COMMISSIONERS

ONE OPEN POSITION ON THE FAYETTE COUNTY McINTOSH TRAIL COMMUNITY SERVICE BOARD

The McIntosh Trail Community Service Board is a public entity created by the Georgia Legislature in 1993 to provide for mental health, developmental disability, and addictive disease services to residents living in Butts, Fayette, Henry, Lamar, Pike, Spalding, and Upson Counties. The mission of the McIntosh Trail Community Service Board is to offer individuals experiencing symptoms associated with mental illness, addictive disease and / or developmental disability the hope for optimal functioning by providing quality behavioral health services and supports.

The McIntosh Trail Community Service Board is comprised of fifteen members appointed from each of the seven counties of which Fayette County has three members. Two of Fayette County's members are appointed from the citizenry by the Fayette County Board of Commissioners and the other member is required to be an elected official or designated county appointee. The McIntosh Trail Community Service Board meets on a monthly basis at various locations throughout its seven-county region.

The Fayette County Board of Commissioners would like to notify interested Fayette County citizens that a citizen's appointment for **a term beginning July 1, 2023 and ending June 30, 2026** is available. The Board will accept applications with resumes for this position.

Applications can be obtained by visiting www.fayettecountyga.gov Public Notices. All applications must be returned to Tameca Smith at tsmith@fayettecountyga.gov or at 140 Stonewall Avenue West, Suite 100, Fayetteville, Georgia 30214 **no later than 5:00 p.m. on Friday, April 16, 2023.**

Contact: Tameca P. Smith, County Clerk
Office (770) 305-5103

**BYLAWS
OF
MCINTOSH TRAIL COMMUNITY SERVICE BOARD**

Amended and Restated As of June __, 2020

PREAMBLE

This Community Service Board (hereinafter “Community Service Board”) has been duly organized and recreated as a public corporation which is an instrumentality of the State of Georgia and a public agency under Section 37-2-6 of the Official Code of Georgia Annotated to provide mental health, developmental disabilities and addictive disease treatment and services within the Counties of Butts, Fayette, Henry, Lamar, Pike, Spalding, and Upson, State of Georgia. Under Section 37-2-6 and paragraphs (1) and (12) of subsection (b) of Section 37-2-6.1 O.C.G.A., the Community Service Board is granted the power to make and alter Bylaws, rules, regulations, and procedures for its own government. Effective as of July __, 2018 the Bylaws of this Community Service Board, providing for its government are as follows:

ARTICLE I

NAME

The name of this Community Service Board shall be “McIntosh Trail Community Service Board.”

ARTICLE II

PRINCIPAL OFFICE

The principal office of the Community Service Board shall be located at 1435 North Expressway, Suite 301, in the City of Griffin, County of Spalding, State of Georgia 30223. The Community Service Board may establish such other offices or facilities as the

Governing Board of the Community Service Board (the “Governing Board” or “Board”) may authorize and direct.

ARTICLE III

SEAL

The seal of the Community Service Board shall have inscribed thereon, between two concentric circles, the words “McIntosh Trail Community Service Board”, and in the center thereof the word “Seal”, or shall be of such other configuration as the Board by resolution may hereafter determine appropriate.

ARTICLE IV

COUNTY APPOINTED MEMBERS

Section 1. Generally. Pursuant to O.C.G.A. § 37-2-6(b)(1)(B)(i), the Governing Board shall have nine (9) members appointed by the governing authority of each county within the Community Service Board area. This number of Board members shall not include members appointed under Articles V and VI. Each 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. The county governing authorities shall seek to ensure that appointments represent various groups and disability services. The county governing authorities shall take into consideration that at least one member of the governing board is an individual trained or certified in finance or accounting, but, if after a reasonable

effort at recruitment there is no person trained or certified in finance or accounting within the Community Service Board area who is willing and able to serve, the county governing authorities may consider for appointment any other person having a familiarity with financial or accounting practices.

Section 2. Allocation of Terms. The terms of the county appointed members of the Board shall expire on a rotating basis. If the term stated is more than or less than two (2) years, such terms have been adjusted in order to provide for staggered terms. The list of members and the terms for those members is on file in the Executive Director's office.

Section 3. Required Oath of Office. A member of the Board may not enter upon the duties of office until the member takes the oath of office for members of community service boards as prescribed in O.C.G.A. § 37-2-6(p). A sample of such oath is appended to these Bylaws.

Section 4. Tenure. Each initial appointed member of the Board of the Community Service Board shall serve for three (3) fiscal years. Each appointed member who is appointed to the Board upon the expiration of the initial or any subsequent term of an appointed member shall serve for a term of three (3) fiscal years. Each appointed member appointed to the Board on the vacancy in the office of any appointed member shall serve for the balance of the unexpired term. Each appointed member of the Board shall serve until the appointed member's successor is appointed and qualified.

Section 5. Report of Vacancy. At least sixty (60) days prior to the expiration of the term of any appointed member, and promptly upon the occurrence of a vacancy in the office of any appointed member, the Executive Director shall report to the governing authority of the county by which the appointed member was nominated and appointed,

the impending expiration of a term or the occurrence of the vacancy. With such report, the Executive Director shall provide to the governing authority the characteristics of the appointed member whose term is scheduled to expire or whose office is vacant and the characteristics of the remaining appointed members of the Board to the extent such characteristics are relevant under O.C.G.A. §37-2-6 to the appointment by the county governing authority of a successor.

Section 6. Representation. O.C.G.A. § 37-2-6(h) requires that consumers of disability services and their family members constitute no less than fifty percent (50%) of the Board members appointed under this article and Article V. O.C.G.A. § 37-2-6(h) and § 37-2-6(c) require that the various disability groups shall be equitably represented by the Board membership. O.C.G.A. § 37-2-6(c) requires that appointments to the Board reflect cultural and social characteristics, including gender, race, ethnic, and age characteristics, of the county population. The Community Service Board shall seek compliance with these requirements by the county governing authorities making appointments.

ARTICLE V

BOARD APPOINTED MEMBERS

Section 1. Generally. As authorized by O.C.G.A. § 37-2-6(b)(2), the Board may appoint one member to serve on the Board to address variation in the population sizes of counties or the financial contributions of counties within the Community Service Board area. This member shall be appointed by resolution adopted by the Board. The member shall not take office unless and until the member takes the oath prescribed in O.C.G.A. § 37-2-6(p).

Section 2. Tenure. The term of each member appointed by the Board shall be three fiscal years. A member appointed by the Board to fill a vacancy in the office of a Board-appointed member shall serve for the balance of the unexpired term. Each appointed member of the Board shall serve until the appointed member's successor is appointed and qualified.

Section 3. Duties. Each member appointed by the Board shall have the same rights and privileges, and shall fulfill the same duties as members appointed by a county.

ARTICLE VI

MEMBERS HOLDING ELECTIVE OR APPOINTED OFFICE

Section 1. Generally. In addition to the members appointed under Articles IV and V, the Board shall have three (3) members, appointed by the governing authorities for the counties in the Community Service Board area, who must concurrently hold elective or appointive office. A member appointed under this paragraph shall not serve on the Board when the member ceases to hold the office which made the member eligible for appointment.

Section 2. Elective or Appointive Office. An "elective or appointive office" shall mean: (1) the elected chief executive officer of the appointing county;

(2) an elected member of a county governing authority within the appointing county;

(3) the county manager of the appointing county;

(4) the sheriff of the appointing county;

- (5) the elected chief executive officer, member of the governing authority for, or appointed city manager for any municipality lying at least partially in the appointing county;
- (6) a member of the board of education for the appointing county or any municipal school system lying at least partially in that county;
- (7) the school superintendent for the appointing county or any municipal school system lying at least partially in that county;
- (8) the appointed public safety commissioner, police chief, or fire chief for the appointing county or any municipality lying at least partially in that county; or
- (9) any other elected official from the appointing county.

Section 3. Tenure. An elected official shall serve the same term as the official's term in elected office. An appointed official shall serve for three fiscal years or, if appointed to fill a vacancy in a position under this article, for the duration of the unexpired term.

Section 4. Appointments. The governing authorities for counties within this Community Service Board area shall each make one appointment.

ARTICLE VII

VACANCIES IN MEMBER POSITIONS

Section 1. Vacancies. The office of a member shall be vacated on the member's resignation, death, or inability to serve due to medical infirmity or other incapacity, or removal by the Board in accordance with law and these bylaws.

Section 2. Resignation. A member of the Board may resign from office by giving written notice to the Executive Director. The resignation shall be irrevocable after delivery to the Executive Director, but shall be effective on the date on which notice is

received, or on the effective date given by the member in the notice, whichever is later. The Executive Director, upon receipt of the resignation, shall give notice to the remaining members of the Board and to the chief executive officer of the county that appointed the member or for which the member serves.

Section 3. Disqualification from Membership. As provided by O.C.G.A. § 37-2-6(b) (5)(A), a person shall not be eligible to be appointed to or serve on the Board if such person: (1) is a member of the regional planning board which serves the region in which the Board is included; (2) an employee or board member of a public or private entity which contracts with the Department of Behavioral Health and Developmental Disabilities to provide mental health, developmental disabilities, and addictive diseases services within the Community Service Board area served by the Community Service Board; (3) an employee of the Community Service Board or employee or board member of any private group, organization, or service provider which contracts with or receives funds from the Community Service Board; or (4) 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 the Community Service Board.

In addition, as provided by O.C.G.A. § 37-2-6(b)(5)(B), a person shall not be eligible to be appointed to or serve on the Board if such person's spouse, parent, child, or sibling is: a member of the Board; a member, employee, or member of the regional planning board which serves the region in which the Community Service Board is included; an employee or board member of a public or private entity which contracts with the Department of Behavioral Health and Developmental Disabilities to provide mental health, developmental disabilities, and addictive diseases services within the Community

Service Board area served by the Community Service Board; an employee of the Community Service Board or employee or board member of any private group, organization, or service provider which contracts with or receives funds from the Community Service Board; or 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 the Community Service Board. Further, as provided in that section, with respect to the same appointing governing authority, no person who has served a full term or more on a regional planning board or its predecessor regional mental health, developmental disabilities, and addictive disease board, or any combination thereof may be appointed to this Community Service Board until a period of two years have passed since the time such person served on the regional planning board, its predecessor regional mental health, developmental disabilities, and addictive disease board, or any combination thereof.

Section 4. Removal of Member From Office.

4.1 Grounds. A Community Service Board member may be removed from office by a majority of the remaining members for the following reasons:

- 4.1.1** When a member engages in conduct prohibited by the Bylaws; or
- 4.1.2** For gross abuse of the authority of the office of member or gross abuse of discretion with respect to the office of member; or
- 4.1.3** For failure to disclose a conflict of interest with respect to any matter involving the Community Service Board presented to the Board for action; or
- 4.1.4** For failure to disclose a conflict of interest with respect to any transaction by any person with the Board; or

- 4.1.5** For continued failure for 30 days after written notice by the Executive Director or by the Chairperson that the member has failed to complete any required training prescribed by the Department of Behavioral Health and Developmental Disabilities under O.C.G.A. § 37-1-20(6); or
- 4.1.6** For failing to attend four regularly scheduled meetings of the Board in a fiscal year unless excused, or
- 4.1.7** For failing to attend three consecutive regularly scheduled meetings of the Board unless excused, or
- 4.1.8** For conviction, including a conviction upon a verdict or judgment of guilty or a plea of nolo contendere, of any felony or crime involving moral turpitude, or
- 4.1.9** For failure to meet the qualifications required for membership under O.C.G.A. §37-2-6, or
- 4.1.10** For failure to maintain residence in the County the governing authority of which appointed the member, or
- 4.1.11** For violation of any law governing the member's service as a member of the board, including the provision of O.C.G.A. Title 37, Chapter 2, or Title 45, Chapter 10.

4.2. Procedure for Removing Member from Office. A member may be removed from the office of member only at a regularly scheduled meeting of the Board, or at a meeting of the Board called for the purpose of removing said member. The meeting notice for the regularly scheduled meeting or for a called meeting must state that

the purpose or one of the purposes of the meeting is the removal of the member. The procedure for such removal is as follows:

4.2.1 Any member of the Board, including the Chairperson, or the Board as a whole, or the Executive Director may make a written request for removal of the member stating the grounds for the proposed removal. The request shall be delivered to the Chairperson.

4.2.2 The Chairperson, or in the absence of the Chairperson or if the Chairperson is the member whose removal is requested, the Vice-Chairperson, shall give written notice to such member at least 15 days in advance of the meeting, and the reasons for the proposed removal. The notice shall further set forth the procedures for the conduct of the hearing on the request for removal in accordance with this Section 8 and state that the member has the right to be present at the meeting and at any pre-meeting hearing and to present evidence and argument at the meeting or if a pre-meeting hearing is held, to present evidence and argument at the hearing and to present argument but not additional evidence at the subsequent meeting. The notice may be amended at any time so long as the amendment does not prejudice the member whose removal is in question.

4.2.3 At the election of the Chairperson (or Vice Chairperson if the Chairperson is absent or if the Chairperson is the member whose removal is requested), the presentation of evidence on the request

for removal shall be made before the Board at the meeting set forth in the notice or shall be made before a hearing officer, who may or may not be a member of the Board, appointed by the Chairperson (or Vice Chairperson), who shall report to the Board for its action the evidence or a summary thereof presented in the hearing. Any hearing prior to the meeting of the Board shall be scheduled and concluded at least five days prior to the meeting of the Board on which the request for removal is presented to the Board for action.

4.2.4 At any meeting at which evidence is presented, and at any pre-meeting hearing, the proponent of removal or someone acting on the proponent's behalf shall present the evidence supporting removal. The member whose removal is in question shall have the right to cross examine any witness presented by the proponent and to offer testimony against such proposed removal.

4.2.5 At the meeting at which the request for removal is presented to the Board for action, a proponent or a representative of the proponent shall proceed first and the member whose removal is in question shall then have the right to rebut.

4.2.6 If a member does not appear at a pre-meeting hearing or the meeting of the Board at which the question of removal is presented for action, the absence shall be conclusively presumed to be a consent to the Board's affirmative action on the request for removal in favor of removal by a requisite majority and in

accordance with all required procedures, without the necessity of presenting any other evidence supporting the removal.

4.2.7 The removal of a member shall be determined by a majority of the members of the Board, not counting the member whose removal is in question. The determination of the Board is final and binding and conclusive on the Community Service Board and the member whose removal is in question. If the member is not removed, the member shall continue in service. If the member is removed, the Executive Director shall immediately report such removal in accordance with Section 8.

4.2.8 Nothing in this Section of the Bylaws shall be construed to prohibit the Board from voting to hold and holding a meeting that is closed to the public pursuant to the provisions O.C.G.A. § 50-14-3(6) to discuss the removal of the member; provided that such meeting is not held for the purpose of receiving evidence, or hearing arguments on charges filed to remove said member.

Section 5. Report of Vacancy. At least sixty (60) days prior to the expiration of the term of any appointed member, and promptly upon the occurrence of a vacancy in the office of any appointed member by reason of death, inability to serve, resignation, disqualification from office, or removal by the Board or other authority, the Executive Director shall report to the governing authority of the county by which the appointed member was nominated and appointed, and to clinical professional associations and advocacy groups determined by the Executive Director to be interested, the impending

expiration of a term or the occurrence of the vacancy. With such report, the Executive Director shall provide to the governing authority the characteristics of the appointed member whose term is scheduled to expire or whose office is vacant and the characteristics of the remaining appointed members of the Board to the extent such characteristics are relevant under O.C.G.A. § 37-2-6 to the appointment by the county governing authority of a successor.

ARTICLE VIII

MEMBER TRAVEL EXPENSE REIMBURSEMENT

Section 1. Authorization. A member of the Board is authorized to receive reimbursement for actual expenses incurred when carrying out official duties. Reimbursement for actual expenses shall not exceed 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. In addition, reimbursement for travel and related expenses will be made if and only if (1) such travel and related expenses are for a purpose specifically approved in advance by the Board or by the Chairperson of the Board when in the judgment of the Chairperson, Board approval in advance is not practicable or workable, (2) the travel and related expenses are determined in advance by the Executive Director to be for a Board-authorized purpose within the scope and duties of the member, and (3) the travel and related expenses are approved by the Executive Director as reasonably incurred in carrying out the purpose, as reasonable in amount, and otherwise consistent with the provisions of O.C.G.A.37-2-6.1(b)(13).

ARTICLE IX

MEETINGS

Section 1. General. All meetings of the Board will be held in accordance with the Open Meetings Act, codified at O.C.G.A. § 50-14-1, *et seq.* Except as authorized by law, all meetings of the Board shall be open to the public. All votes at any meeting shall be taken in public after due notice of the meeting and compliance with the posting and agenda requirements of the Open Meetings Act. The Board shall hold an annual meeting each year, and shall hold a regular meeting at least once in each other calendar quarter, and may hold other regular or special meetings as often as it deems appropriate and necessary.

Section 2. Schedule of Meetings. The Board shall by vote set the day and time for the annual meeting and the date and time for at least one regular meeting to be held during each quarter of the year other than the calendar quarter in which the annual meeting occurs. Unless otherwise specified by the Board by vote, all annual, regular, or special meetings of the Board set by vote of the Board shall be at the principal office of the Community Service Board, unless another location is designated. If it is determined by the Executive Director or two members of the Board that a meeting date must be changed, at least seven (7) days written notice shall be required, with such notice stating the exact date, time and place of the meeting.

Section 3. Called Meetings. The Board may hold special meetings not set by vote when called by the Chairperson, or by the Vice-Chairperson when acting in the place of the Chairperson, or by five members of the Board. Such special meetings may be held as often as deemed appropriate and necessary, and the date and times of such

meetings shall be set by the number of members calling the same. Such meetings may be held at the principal office of the Community Service Board, unless otherwise designated in the notice of the meeting. Such meetings may also be held via telephone conference when there is a public safety emergency in accordance with the terms of the Open Meetings Act.

Section 4. Notice to Members.

4.1 At least five (5) days prior to the annual meeting or a regular meeting set by vote, the Secretary or Assistant Secretary shall cause notice of such meeting to be given to all members of the Board and to the Executive Director. Notice may be delivered in person, by telegram, by mail, by courier, facsimile transmission or by email. Any notice by telegram, mail, facsimile, by courier or email shall be delivered to the address or facsimile reception number specified by the member on file with the Executive Director. In the case of telegraph or mail notice, notice shall be deemed given when the message is delivered to a telegraph company for transmission or when the notice is deposited in the mail properly addressed with first class postage prepaid. The notice shall advise the date and time of the meeting and shall specify the business to be transacted at or the purpose of the meeting.

4.2 When a special meeting is set by vote or when a special meeting not set by vote is called as provided by these Bylaws, the person or persons calling the same shall request the Secretary or Assistant Secretary to give notice by one of the methods hereinabove provided at least two days prior to said meeting.

4.3 All members should acknowledge receipt of notification of the meeting.

4.4 Any member may waive notice of any meeting. The attendance of a member at any meeting shall constitute a waiver of said notice except when a member attends a meeting for the express and sole purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

4.5 At any meeting of the Board, the Board may consider and act upon any matter and transact any business which comes before the Board, whether or not such matter or business was included within the notice given to the members of the Board.

Section 5. Public Notice.

5.1 The Secretary, or Assistant Secretary, shall post at the principal office of the Community Service Board, in a conspicuous place accessible to the public, a schedule of the annual, regular, or special meetings governed by Section 2 of this Article.

5.2 If a meeting of the Board scheduled to be held at the principal office of the Community Service Board is for any reason held at any other place, the Secretary, or Assistant Secretary, shall give prompt, but in any event at least 24 hours prior to the meeting, written or oral notice to each Board member and either to the legal organ of the county in which the Community Service Board's principal office is located or to a newspaper having general circulation in such county of the place of the meeting.

5.3 At least 24 hours prior to a special, called meeting governed by Section 3, the Secretary, or Assistant Secretary, shall give notice of such meeting either to the legal organ of the county in which the Community Service Board's principal office is located or to a newspaper having general circulation in such county.

5.4 As far as in advance of the meeting as is reasonably possible but not earlier than two weeks in advance of the meeting, the Secretary, or the Assistant

Secretary, shall post at the principal office of the Community Service Board, in a conspicuous place accessible to the public, the agenda of each meeting which shall not be removed from such position for a period of two business days following such meeting.

Section 6. Quorum. A quorum for the transaction of business and for the exercise of any power or function of the Board shall consist of a majority of the total number of filled Board member positions.

Section 7. Action. A vote of the majority of such quorum described in Section 6 shall be the act of the governing Board except where the law or the bylaws of the Community Service Board may require a greater vote. In voting, each member of the Board present at the meeting shall have one vote. No vote may be exercised by proxy. A member of the Board present at a meeting of the Board at which an action is taken shall be presumed to have voted affirmatively for such action unless the member's contrary intention shall have been affirmatively indicated by the member and entered in the minutes of the meeting.

Section 8. Emergency Meetings. Whenever a special, called meeting is held to address an emergency which requires immediate action by the Board, the notice of the meeting may be given by telephone and the meeting conducted by those present at the place of the meeting and by those who are available to participate in the meeting by telephone conference with those physically present and others participating by telephone. Notice of such meeting, and an agenda of the matters to be addressed, shall be given to each member and either to the legal organ of the county in which the Board's principal office is located or to a newspaper having general circulation in such county. A member participating in a meeting by telephone shall be counted in determining whether a

quorum is present. The action taken by the Board in an emergency meeting in which a member participates by telephone and taken by a majority of the Board members participating in the meeting, shall be binding on the Board.

ARTICLE X

COMMITTEES

Section 1. Committees. The Chair of the Board, shall have the power and authority to appoint such other standing or (ad hoc) special committees as the Chair may think proper or as the Board may authorize, and shall designate the members thereof and prescribe their duties and powers.

Section 2. Committee Authority. Each committee of the Board shall have the power to study, investigate, and recommend to the Board any action which the Board has the power to take within the sphere of responsibility of the committee.

Section 3. Limitation of Authority. No committee shall have the power to take any action on behalf of the Board. Any action of a committee of the Board shall not be binding unless the action is submitted to the Board at its next regular or special meeting and accepted and ratified by the Board.

Section 4. Meetings.

4.1 Each committee shall by vote set the day and time for meeting of the committee. Unless otherwise specified by the committee by vote, all meetings of the committee shall be at the principal office of the Community Service Board, unless another location is designated.

4.2 A meeting of any committee may be called by its chairperson upon giving notice to the members thereof in the same manner as prescribed by these Bylaws for meetings of the Board.

Section 5. Quorum. Unless otherwise provided, a majority of the whole committee shall constitute a quorum and the act of a majority of the members of the committee present at a meeting at which a quorum is present shall be the act of the committee.

Section 6. Notice.

6.1 At least five (5) days prior to any meeting of a committee set by resolution, the Secretary or Assistant Secretary shall cause notice of such meeting to be given to all members of the committee and the Executive Director. Notice may be delivered in person, by telegram, by mail, by courier, facsimile transmission or email. Any notice by facsimile transmission shall be delivered to the facsimile reception number specified by the member of file with the Executive Director. Any notice by telegram, mail, email or by courier shall be delivered to the address specified by the member on file with the Executive Director. In the case of telegraph or mail notice, notice shall be deemed given when the message is delivered to a telegraph company for transmission or when the notice is deposited in the mail properly addressed with first class postage prepaid. The notice shall advise the date and time of the meeting and shall specify the business to be transacted at or the purpose of the meeting.

6.2 When a meeting is called by the chairperson of a committee as provided by these Bylaws, the Secretary or Assistant Secretary shall give notice by one of the methods hereinabove provided at least two days prior to said meeting.

6.3 Any member may waive notice of any meeting. The attendance of a member at any meeting shall constitute a waiver of said notice except when a member attends a meeting for the express and sole purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

6.4 At any meeting of a committee, the committee may consider and act upon any matter and transact any business which comes before the committee, whether or not such matter or business was included within the notice given to the members of the committee.

Section 7. Public Notice.

7.1 The Secretary, or Assistant Secretary, shall post at the principal office of the Community Service Board, in a conspicuous place accessible to the public a schedule of the meeting of a committee governed by Section 6.1.

7.2 If a meeting of a committee scheduled to be held at the principal office of the Community Service Board is for any reason held at any other place, the Secretary, or Assistant Secretary, shall give prompt, oral or email notice to each committee member and either to the legal organ of the county in which the Community Service Board's principal office is located or to a newspaper having general circulation in such county of the place of the meeting.

7.3 At least 24 hours prior to a called meeting governed by Section 6.2. the Secretary or Assistant Secretary, shall give notice of such meeting either to the legal organ of the county in which the Community Service Board's principal office is located or to a newspaper having general circulation in such county.

7.4 As far as in advance of the meeting as is reasonably possible but not earlier than two weeks in advance of the meeting, the Secretary, or the Assistant Secretary, shall post at the principal office of the Community Service Board, in a conspicuous place accessible to the public, the agenda of each meeting which shall not be removed from such position for a period of two business days following such meeting.

Section 8. Emergency Meetings. Whenever a special, called meeting is held by a committee to address an emergency which requires immediate action by the committee, the notice of the meeting may be given by telephone and the meeting conducted by those present at the place of the meeting and by those who are available to participate in the meeting by telephone conference with those present and others participating by telephone. Notice of such meeting, and an agenda of the matters to be addressed, shall be given to each member and either to the legal organ of the county in which the Community Service Board's principal office is located or to a newspaper having general circulation in such county. If a quorum is not present at a meeting of the committee, no action taken by a committee in a meeting conducted under this Section shall be binding unless such action is ratified by the committee at its next regular meeting.

ARTICLE XI

PROCEDURES: MINUTES

Section 1. Rules of Order. Meetings of the Board and any committee thereof shall be conducted in accordance with the most recent edition of Robert's Rules of Order, Newly Revised, except to the extent the Constitution or laws of this State or these Bylaws provide for a different procedure. The Executive Director shall serve as the parliamentarian for the Board and for each committee thereof.

Section 2. Meetings Open to Public. Unless and until a meeting of the Community Service Board or of any committee of the Community Service Board is closed to the public as provided in these Bylaws, the public shall have access to all meetings of the Community Service Board or committees thereof. A member of the public has the right of access in order to observe the meeting but does not have the right to participate in the meeting, including participation by asking questions or by making comment, unless the Board or committee affords that opportunity and then only in accordance with limitations imposed by the Board or committee. A member of the public may make visual, sound, and visual and sound recordings during meetings of the Board or any committee open to the public.

Section 3. Closing of Meeting to Public.

3.1 Regardless of whether the notice of any meeting of the Board or any committee states that the meeting shall be closed to the public, that is, the Board or committee will meet in executive session, the meeting shall begin in open session accessible to the public. The meeting shall not be closed unless (1) the names of the members of the Board or committee present at the meeting are recorded for entry into the minutes of the meeting, (2) a motion is made to close the meeting stating the specific reasons for the closure and the name of member making the motion and the reasons stated in the motion are recorded for entry into the minutes of the meeting, (3) the motion is seconded and the name of the member seconding the motion is recorded for entry into the minutes of the meeting, and (4) the motion is adopted by action of the Board or by committee and all members voting in favor of the motion are recorded for entry into the minutes of the meeting.

3.2 During that part of the meeting closed to the public, only those matters within the scope of the specific reasons stated in the motion to close the meeting to the public will be addressed to the extent permitted by the Open Meetings Act.

3.3 When all business within the scope of the motion to close the meeting to the public has been completed, the Board or committee shall adopt a motion to return to open session. The Board or committee shall then open the meeting to the public and following the conduct of any additional business of the Board or committee, the Board or committee shall adjourn the meeting.

3.4 Promptly after the conclusion of the meeting of a Board or committee and in any event before the minutes of the meeting are distributed to the members, the Chair or other officer who presided at the meeting shall file with the Secretary or Assistant Secretary an affidavit that the subject matter of the meeting which was closed to the public was devoted to matters within the exceptions provided by law to the requirement that all meetings be open to the public and stating the specific relevant exception.

Section 4. Summary of Actions. Within two business days of a meeting of the Community Service Board or a committee of the Board, the Secretary or Assistant Secretary shall prepare a written summary of the subjects acted on and the members present during the parts of the meeting open to the public, but not the subjects acted on during the parts of the meeting which were closed to the public in accordance with the procedures for closing a meeting to the public set forth above. The summary shall be available to the public upon request.

Section 5. Minutes.

5.1 Adequate written minutes shall be kept recording the acts and proceedings at meetings of the Board or any committee of the Board, except that minutes of that part of the meeting which is closed to the public are not required and unless the Chair or the Board or chair of the committee or the committee otherwise directs shall not be recorded. Such minutes shall be prepared by the Secretary or the Assistant Secretary.

5.2 Minutes shall, at a minimum, include the names of the members of the Board or committee present at the meeting of the Board or committee, a description of each matter or other proposal made during the meeting, and a record of all votes.

5.3 Where any portion of a meeting of the Board or any committee of the Board is closed to the public, the minutes of that part of the meeting which open to the public shall include as an attachment the affidavit of the Chair or other officer who presided that the subject matter of the meeting which was closed to the public was devoted to matters within the exceptions provided by law to the requirement that all meetings be open to the public and stating the specific relevant exception.

5.4 The minutes shall be approved by the Chair or other officer presiding at the meeting of the Community Service Board or committee. A copy of the minutes so approved shall be distributed to each member of the Board or committee not later than (a) thirty (30) calendar days following the meeting or (b) not less than five (5) days prior to the next regularly scheduled meeting of the Board or committee, as the case may be, whichever occurs first. Minutes so approved shall be presented to the Board or committee at the next succeeding regularly scheduled meeting of the Board or committee for approval and, in accordance with any modifications adopted by the Board or

committee at such meeting, approved. The official minutes of the Board or committee meeting shall be those approved by the Board or committee.

ARTICLE XII

FISCAL YEAR: ANNUAL BUDGET

Section 1. Fiscal Year. The fiscal year of the Community Service Board shall commence on July 1st of each year and expire on June 30th of the next year following.

Section 2. Annual Budget. The Board shall at its annual meeting adopt an annual budget for its succeeding fiscal year and may thereafter from time to time amend the annual budget so adopted. The annual budget shall reflect, at a minimum, the amount of state-appropriated funds available for the succeeding fiscal year. The Board shall adopt an annual budget to include the revenue or fund sources expected to be available to the Community Service Board for the current year and the expenditures expected to be required or made by the Board during such fiscal year. The Board may thereafter from time to time amend the annual budget so adopted.

Section 3. Amendments to Budget. The Executive Director shall have authority to amend the annual operating budget approved by the Board as is necessary to receive funds from the Department, the county governing authority, or any other entity. Amendments effected by the Executive Director shall be reported to the Board at its next regularly scheduled meeting. The Executive Director is authorized to execute on behalf of the Community Service Board all budget documents and amendments required by the

Department, the State Division or a regional office thereof, or the county governing authority.

Section 4. Annual Audit. An annual review of the audit shall take place no later than April of each fiscal year unless otherwise directed. McIntosh Trail Community Service Board shall contract with an independent auditor no later than April of each fiscal year to conduct such review of the audit except that if the Department provides an auditor, the Community Service Board, the Board, its members and officers shall rely upon that audit.

ARTICLE XIII

OFFICERS

Section 1. Officers. The officers of the Community Service Board shall consist of a Chair of the Board, Vice-Chair of the Board, Secretary, Treasurer, Executive Director, Fiscal Officer, Assistant Secretary, and such other officers as may be deemed necessary or desirable by the Board for the efficient conduct of the business and affairs of the Community Service Board. If it so desires, the Board may designate the Executive Director of the Board to serve as either or both the Secretary and the Treasurer. No member shall hold more than one office of the Community Service Board; except that the Executive Director may serve as secretary and treasurer.

Section 2. Qualifications. The Chairperson and Vice-Chairperson shall be members of the Community Service Board. The Executive Director, Chief Financial Officer and Assistant Secretary shall not be members of the Board. The Secretary and Treasurer shall be members of the Board unless the Board designates the Executive

Director to serve in those offices. No member shall hold more than one office, except that the same person may serve as Secretary and Treasurer.

Section 3. Election.

3.1 The Chairperson, Vice-Chairperson, Secretary and Treasurer shall be elected by the Board at the annual meeting of the Board for a term coextensive with the fiscal year commencing after the date of the annual meeting and each such officer shall serve during the fiscal year for which such officer is elected or until the officer's successor to office is elected and qualified.

3.2 Nominations Procedures.

3.2.1 During the last scheduled meeting of the third quarter of the Board in each fiscal year, the Chairperson will appoint a nominating committee composed of two or more Board members. The Board Chairperson will designate the Chairperson of the nominating committee. The Board Chairperson, Vice-Chairperson, Secretary and Treasurer shall not be members of the committee.

3.2.2 The nominating committee will select a slate of nominees for the next fiscal year consisting of one nominee for each member officer position.

3.2.3 The Chairperson of the nominating committee will report its slate of nominees at the next annual meeting of the Board. No second is needed for the committee's nominations.

3.2.4 The Board Chairperson will call for nominations from the floor. Following receipt of nominations, if any, from the floor, the

Chairperson will declare the nominations closed. No seconds are required for nominations from the floor.

3.3 Election Procedures

- 3.3.1 Only those Board members who are present at the annual meeting may vote to fill the positions of Chairperson and Vice-Chairperson, Secretary and Treasurer.
- 3.3.2 Each Board member may, on each ballot (by voice or show or hands), render one vote for one individual for each of the positions up for election.
- 3.3.3 The vote of a majority of the Board members present, provided a quorum is present, will be required for election to each office.
- 3.3.4 If more than two individuals receive votes for a position and no individual receives a majority on the first ballot, a second ballot will be required.
- 3.3.5 The individuals eligible to receive votes on the second ballot will be the two individuals receiving the highest number of votes on the first ballot. In the event two or more individuals are tied for the highest number of votes on the first ballot, only those individuals will be eligible to receive votes. Further in the event two or more individuals are tied for the second highest number of votes on the

first ballot, those individuals will be eligible to receive votes on the second ballot with the individual receiving the highest number of votes on the first ballot.

- 3.3.6 Balloting will continue, using the procedure in 3.3.4 and 3.3.5 above, until one individual receives a majority of the vote for the position. The provisions of 3.3.5 will be applied after each ballot to determine those individuals eligible to receive votes on subsequent ballots.

Section 4. Executive Director. The Board shall appoint an Executive Director. The Executive Director may act under that title or under the title of Chief Executive Officer. The selection of the Executive Director and all terms of compensation shall be set by the Board and shall be subject to review and approval by the Commissioner of the Department of Behavioral Health and Developmental Disabilities prior to any offer of employment or at any point thereafter where the terms of compensation are proposed to be substantially altered. Such contracts shall be reviewed by the Commissioner every five years.

Section 5. Fiscal Officer; Assistant Secretary; Other Officers. The Executive Director shall designate employees of the Community Service Board as the Fiscal Officer (who with the approval of the Executive Director may operate under the title Chief Financial Officer) and as the Assistant Secretary (who with the approval of the Executive Director may operate under the title Administrative Assistant) and, unless the resolution creating such office shall otherwise provide, shall designate employees of the Community Service Board to all other offices of the Community Service Board, each of whom shall

serve in that capacity at the pleasure of the Executive Director. However, unless the employee's employment with the Community Service Board is terminated in accordance with the statutes, regulations, and other requirements applicable to the employment position held by such employee, the removal of designation of an employee as Fiscal Officer or Assistant Secretary or other non-member officer of the Community Service Board shall not alter the employee's employment relationship to the Community Service Board. The Executive Director, at any time, may withdraw the designation of Fiscal Officer or Assistant Secretary or other non-member office from an employee of the Community Service Board serving in that capacity and, subject to approval by the Community Service Board, designate another employee as Fiscal Officer, Assistant Secretary, or other non-member officer.

Section 6. Vacancies. A vacancy in the office of Chair, Vice-Chair, Secretary, or Treasurer shall be filled for the unexpired term by the Board. A vacancy in any other office shall be filled in the same manner as the original appointment.

Section 7. Abolition of Officers. The Community Service Board may abolish any office other than the office of Executive Director. Any officer, elected or appointed by the Board or appointed with or subject to its approval may resign, or, whenever in the Board's judgment the best interest of the Board would be served thereby, may be removed from office by the Board.

ARTICLE XIV

DUTIES OF OFFICERS

Section 1. Chair. The Chair of the Community Service Board shall be the Chief Presiding Officer of the Board and shall have the general powers of supervision and

management of the Community Service Board's business and affairs and shall perform, or cause to be performed, the duties incident to such supervision and management. In that capacity, the Chair shall have the following powers and duties:

1.1 To preside, when present, at all meetings of the Board,

1.2 To see that all orders, resolutions and other actions of the Board are carried into effect;

1.3 To appoint the chairperson and membership of committees and to serve as an ex officio member of all committees except the Nominating Committee;

1.4 To sign and execute in the name of the Community Service Board all written instruments of every kind and character which the Board or the law has authorized the Chair to execute and, if no other officer is designated by the Board or by law, to sign and execute such documents in the name of the Community Service Board which are authorized by these Bylaws, by the Board, or by law;

1.5 Upon the occurrence of any vacancy in an office filled by an election of the Board, the Chair shall have the authority to fill the vacancy until the next meeting of the Board;

1.6 To perform all duties incident to the office of Chair and such other duties as may be prescribed by these Bylaws or by the Board from time to time.

Section 2. Vice-Chair. The Vice-Chair, in the absence or disability or vacancy in the office of the Chair, shall exercise the powers and perform the duties of the Chair. The Vice-Chair shall in addition exercise such other powers and perform such other duties as from time to time may be assigned to the Vice-Chair by the Board.

Section 3. Secretary.

3.1 The Secretary and, subject to the supervision of the Secretary, the Assistant Secretary, shall have the general responsibility to record the transaction of business by the Board and to affix the seal of the Community Service Board to documents requiring such formality.

3.2 The Secretary, or Assistant Secretary, shall attend all meetings of the Board and each committee thereof.

3.3 The Secretary, directly or acting through the Assistant Secretary or committee member, shall record or be responsible for the recording of votes and the preparing and keeping the minutes of all meetings and proceedings of the Board and any committee thereof; shall have custody of the book of minutes and the seal of the Community Service Board; and shall attest and affix the Community Service Board seal to such documents as the Board or Chair may direct or as the law may require.

3.4 The Secretary, directly or acting through the Assistant Secretary, shall give, or cause to be given, notice of all meetings of the Board or any committee thereof as provided by these Bylaws; and shall perform such duties incident to the office of the Secretary as the Board may direct. Should the Secretary, or Assistant Secretary, fail or refuse to give notice of any meeting called in accordance with the provisions of these Bylaws, the Chair, or the Vice-Chair when acting in the place of the Chair, or the Board members calling such meeting, shall then be given notice required by these Bylaws.

3.5 The Secretary, acting through the Assistant Secretary, shall keep at the principal office of the Community Service Board, open to inspection by the members of the Board at all reasonable times, the original or certified copy of the Bylaws of the Community Service Board and the book of minutes of the Board.

3.6 Unless otherwise directed by the Board, the Assistant Secretary shall keep the seal of the Board and shall in the absence of the Secretary or upon authorization by the Board be authorized to attest or affix the Community Service Board's seal to such documents as the Board may direct or as the law may require.

3.7 The Assistant Secretary shall, subject to the direction and supervision of the Secretary, be authorized to perform all of the duties of the Secretary thereunder.

Section 4. Treasurer. The Treasurer of the Community Service Board shall have the general supervision over the fiscal affairs of the Community Service Board. The Treasurer shall, in addition, exercise such other powers and perform such other duties as may from time to time be assigned to him/her by the Board.

Section 5. Executive Director. The Executive Director of the Community Service Board shall be the Chief Executive Officer of the Community Service Board for the operation and management of all programs, services, facilities, and operations of the Community Service Board and shall, in that capacity, have the general and active management of the business and affairs of the Community Service Board subject to the direction and control of the Board and officers and committees of the Board. In that capacity, the Executive Director shall have the following powers and duties subject to the limitations stated in these Bylaws, in any resolution or other action taken by the Board, or in any applicable law or regulation:

5.1 To prepare and submit to the Board for its review and approval the annual budget; to approve amendments for the annual budget from time to time; and to report to the Board at least quarterly on the actual revenues and expenses of the Community Service Board comparative with the budgeted revenues and expenses. In implementing

such budgets, the Executive Director shall carry forward without lapse fund balances from the preceding fiscal years if and to the extent permitted by law and contract and shall recommend to the Board such operating, capital, debt service from revenues and grants derived from all sources.

5.2 To seek and apply for and to execute on behalf of the Community Service Board all allocations, allotments, contracts, agreements, grants-in-aid or other collaborative arrangements between the Community Service Board and any public entity, including the Department of Behavioral Health and Developmental Disabilities, and any Regional Office, the Department of Administrative Services, the Department of Community Health, the State Personnel Board, and the State Commissioner of Personnel Administration, any county governing authority, any county board of health, and any county or municipal school district, for acquisition or provision of funds, property or services which may be in the judgment of the Executive Director necessary or convenient to the provision of disability services by the Community Service Board.

5.3 To execute such agreements with the State Personnel Board, Department of Community Health, or other public or private entities as may be necessary or appropriate to provide to all employees of the Community Service Board medical, hospitalization, and such other benefits as may be available through the State Personnel Board, Department of Community Health or such public or private agencies and as the Executive Director shall determine appropriate. The Community Service Board does not undertake to provide such benefits which shall be provided by the State Personnel Board or Department of Community Health and then only to the extent the agreement between

the Community Service Board, acting through the Executive Director, and the State Personnel Board or Department of Community Health shall so provide.

5.4 To execute such agreements with the Department of Administrative Services or the Department of Behavioral Health and Developmental Disabilities or private insurers as may be necessary or appropriate to provide to the Community Service Board the following:

- 5.4.1 Unemployment compensation insurance coverage for Community Service Board non-member officers and employees, and administration hereof.
- 5.4.2 Worker's compensation coverage for Community Service Board officers and employees, and administration thereof.
- 5.4.3 Liability insurance protecting the members of the Board and officers and employees of the Community Service Board against personal liability for damages arising out of the performance of their duties or in any way connected therewith.
- 5.4.4 Automobile liability coverage for the non-members, officers of the Board and employees of the Community Service Board against damage arising out of the operation of motor vehicles in the performance of their official duties.
- 5.4.5 Fidelity bonds covering members of the Board and officers and employees of the Community Service Board.
- 5.4.6 Commercial property insurance for coverage of property owned by the Community Service Board.

To the extent any of the foregoing is not available through the Department of Administrative Services or to the extent the Executive Director determines procurement of any of the foregoing from other sources is necessary or appropriate, the Executive Director shall be authorized to obtain such services, insurance coverage or fidelity bonds through other public or private sources.

Nothing in the authority granted by this paragraph shall impose on the Community Service Board any liability which does not otherwise exist, remove or limit any indemnity of defense to liability which would otherwise exist or operate to increase the limits of liability which would otherwise exist.

Nothing in this paragraph shall be construed as an undertaking on the part of the Community Service Board to indemnify any Board member or officer or employee of the Community Service Board, except to the extent of the coverage and limits of insurance which may be procured pursuant to the authority of this paragraph. This paragraph authorizes but does not impose on the Community Service Board or the Executive Director any duty to procure such insurance, but the procurement of such insurance shall be in the sole and absolute discretion of the Executive Director unless the Board shall otherwise direct.

5.5 To execute on behalf of the Community Service Board all budget documents or certifications required by any other public or private entity.

5.6 To accept on behalf of the Community Service Board all gifts or grants to it for its authorized purposes, provided that no such gift or grant shall be accepted conditioned on any obligation continuing beyond the current fiscal year of the

Community Service Board, or succeeding fiscal year, without the prior approval of the Board.

5.7 To conduct, supervise and manage the operation and maintenance of all programs, services, facilities, and operations of the Community Service Board and to adopt policies governing such programs, services, facilities, and operations of the Community Service Board;

5.8 To employ in accordance with a schedule of positions and the annual budget approved by the Board and take disciplinary action against or discharge all employees of the Community Service Board;

5.9 To make, within the salary schedules and the annual budget approved by the Board, salary raises, promotions, or other compensation or benefits for all employees under the direction and control of the Executive Director.

5.10 To adopt and execute employment policies and practices;

5.11 To sign and execute contracts in the name of the Community Service Board when authorized to do so by resolution of the Board and to sign and execute contracts in the name of the Community Service Board which are authorized by the Board when no other officer is designated by the Board;

5.12 In accordance with budgets, policies, forms and schedules adopted and approved by the Board, to execute contracts to provide to others the facilities, equipment and services of the Community Service Board, but without the prior approval of the Board no such contract shall be executed (1) which binds the Community Service Board beyond its current fiscal year or succeeding fiscal year, (2) except to the extent necessary to prevent or remove imminent damage to persons or property, which is for extraordinary

matters not within the usual course of business of the Community Service Board, or (3) which is for the acquisition by purchase or disposition of any real property;

5.13 In accordance with budgets, policies, forms and schedules adopted and approved by the Board, to acquire, to contract for, to order and to otherwise purchase or rent all facilities, equipment, supplies, materials and services necessary for the operation and maintenance of the programs, services, facilities, and operations of the Community Service Board in the usual course of business but without the prior approval of the Board no such contract shall be executed (1) which binds the Community Service Board beyond its current fiscal year or succeeding fiscal year, except to the extent necessary to prevent or remove imminent damage to persons or property, (2) which is for extraordinary matters not within the usual course of business of the Community Service Board, (3) which is for the acquisition by purchase of any real property or (4) the borrowing of money;

5.14 To approve for payment all bills for services, supplies and materials and to transmit them to the Fiscal Officer for payment;

5.15 To direct the disbursement of salaries to all employees of the Community Service Board;

5.16 To keep and maintain open for inspection by any member of the Board at all reasonable times, accurate and complete records of business affairs and transactions of the Community Service Board, and to transmit to the Board, on monthly, quarterly, and annual basis, monitoring reports as required by Board policies;

5.17 To attend all annual, regular and special meetings of the Board;

5.18 To authorize the commencement or defense of claims or litigation in the name of the Community Service Board arising out of operations and management of the programs, services, facilities, and operations of the Community Service Board under the Executive Director's supervision and control, and to compromise or settle such claims or litigation;

5.19 To give a bond for the faithful discharge of the duties of the Executive Director in such sum and with such security or securities as the Board shall determine; and

5.20 To perform such other duties as may be incident to the office of the Executive Director or as may be prescribed from time to time by the Board, its committees, or Chairperson, consistent herewith.

Section 6. Fiscal Officer. The Fiscal Officer shall have charge and custody of and be responsible for, all funds, securities, moneys, and other valuables of the Community Service Board. In such capacity, the Fiscal Officer shall have the following duties and powers subject to the limitations stated in these Bylaws, in any resolution or other action taken by the Board, or in any applicable law or regulation:

6.1 To receive and give receipts for moneys due and payable to the Community Service Board from any source whatever;

6.2 To deposit, or cause to be deposited, all such funds, securities and moneys in the name of and to the credit of the Community Service Board in such depositories as may be designated by the Board;

6.3 To make, or cause to be made, such disbursements as the Board may direct or pursuant to direction of the Executive Director as may be authorized by these

Bylaws, taking proper evidence of authority to disburse proper vouchers for such disbursements;

6.4 To keep and maintain open to inspection by any member of the Board at all reasonable times adequate, accurate and correct accounts of the properties and business transactions of the Community Service Board;

6.5 To render monthly, quarterly and annual financial statements showing the condition of the Community Service Board as of the close of business for the preceding accounting period;

6.6 To give a bond for the faithful discharge of duties of the Chief Financial Officer in such sum and with such security or securities as the Board shall determine or as required by law; and

6.7 To perform all duties incident to the office of Chief Financial Officer, and such other duties as may be prescribed by the Board or Executive Director from time to time.

Section 7. Required Signatures. No withdrawal shall be made from, nor shall any payment be made against any deposit held by the Community Service Board, except upon the approval of and the signature (of which may be facsimile stamp or machine produced) of the-positions with delegated authority per Section 8 below.

Section 8. Delegation of Authority.

8.1 The Executive Director may, in writing, delegate such authority and responsibility of the Executive Director to subordinate employees of the Community Service Board as the Executive Director deems necessary or convenient to the efficient and effective operation of the Community Service Board.

8.2 In addition, the Executive Director may authorize the Fiscal Officer in writing to delegate to subordinate employees of the Community Service Board such authority and responsibilities of the Fiscal Officer as the Fiscal Officer and Executive Director deem necessary or convenient to the efficient and effective operation of the Community Service Board.

8.3 No such delegation by the Executive Director or by the Fiscal Officer shall relieve the Executive Director or Fiscal Officer of their respective responsibilities to the Community Service Board to see that all such delegated authority or responsibility are performed in accordance with these Bylaws or other direction or action of the Board, and the Executive Director and the Fiscal Officer shall remain responsible to the Community Service Board for actions of any subordinate to whom such delegation is made.

Section 9. Borrowing of Money. No officer or employee of the Community Service Board shall have the authority to borrow money on behalf of the Community Service Board or to commit the Community Service Board to any obligation to borrow money without the prior approval of the Board in a meeting.

Section 10. Incurring of Debt. Except as expressly set forth in these Bylaws, no officer or employee of the Community Service Board shall have the authority to enter into any contract requiring any outlay by the Community Service Board in any fiscal year other than the current or the next succeeding fiscal year.

ARTICLE XV

PERSONNEL

Section 1. Policies. The Executive Director shall formulate policies relative to the hiring, discharging, salaries, promotions, raises, job descriptions and all other matters

relating to the employment of personnel by the Community Service Board, subject, however, to the authority of the Board to establish any contrary policy. The Board shall receive reports from the Executive Director and shall periodically review all matters relating to employment policy and practice. The Board may delegate its functions thereunder to a committee of the Board and in that event, it shall be the duty of the committee to report its findings and actions to the full Board.

Section 2. Executive Director. The Executive Director shall be in the unclassified service within the meaning of the State Merit System statute and rules and regulations of the State Personnel Board adopted thereunder, and it in the unclassified service shall serve at the pleasure of the Board.

Section 3. Status of Other Employees. All other personnel positions of the Community Service Board shall be in the classified or unclassified service as may be designated at the time the occupant of such position shall be appointed.

Section 4. Unclassified Positions. All persons holding unclassified positions shall be appointed by and shall serve at the pleasure of the Executive Director.

Section 5. Classified Positions. All other personnel shall be appointed by and may be removed by the Executive Director in accordance with the State Merit System statute and the rules and regulations of the State Personnel Board adopted thereunder.

ARTICLE XVI

CONFLICTS OF INTEREST

Section 1. Basic Obligation. The Georgia Constitution provides that "Public officers are the trustees and servants of the people and are at all times amenable to them" (Art. I, Sec. II, Par.I). Members of the Community Service Board are public officers.

Members must represent unconflicted loyalty to the interests of the Community Service Board and the public it serves. This accountability supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other boards or staffs. It also supersedes the personal interest of any Community Service Board member acting as a family member of a consumer of the Community Service Board's services. The Board shall also promulgate policies and procedures governing the Executive Director and employee conflicts of interest and establish a code of ethics for the Executive Director and employees of the Community Service Board.

Section 2. Duty to Avoid Conflicts. Each Board member shall have a fiduciary responsibility to avoid any conflict of interest in a manner that is consistent with the declarations found in O,C,G,A, § 45-10-2. Members must avoid conflict of interest with respect to their fiduciary responsibility.

2.1 There must be no self-dealing or any conduct of private business or personal services between any Board member and the Community Service Board except that which is procedurally controlled to assure openness, competitive opportunity and equal access to "inside" information.

2.2 When the Board is to decide upon an issue, about which a member has an unavoidable conflict of interest, that member shall absent herself or himself without comment from not only the vote, but also from the deliberations on that issue.

2.3 Board members must not use their positions to obtain employment with the Community Service Board or its funding sources or suppliers of goods and services to the Community Service Board for themselves, family members or close associates. Should a member desire employment, he or she must first resign and no person who has served as

a member of the Board may be employed by the Community Service Board, either directly or by contract, until a period of at least two years has passed since the time such person served as a member.

2.4 Each member of the Board and each non-member officer of the Community Service Board shall disclose to the Board and to the Executive Director for disclosure to the Board, in advance of any action thereon by the Board or by such officer on behalf of the Community Service Board, any matter in which the member or officer is interested personally or in which any relative by blood or marriage within the third degree of the member or non-member officer is interested. Such disclosure shall be made in either case whether such interest is direct or, by virtue of the interest in such matter, by any entity in which the member or non-member officer or relative thereof is a shareholder, director, officer, partner (whether general or limited), or member or by which the member or non-member officer or relative thereof is employed, indirect.

2.5 No non-member officer of the Community Service Board shall act on any matter in which the officer or any member of the Board or a relative of either is known to be interested without prior approval of the Board.

2.6 Nothing in these Bylaws prohibits a member of the Board or a non-member officer of the Community Service Board, or a relative of such member, from obtaining disability services of Community Service Board in the ordinary course of the Community Service Board's provision of such disability services on the same terms and conditions, including price, which are applicable to the obtaining such services by any member of the public and according to established policies and procedures.

2.7 When the Board is to decide a matter or issue about which a member has an unavoidable conflict of interest, such member shall absent herself or himself from not only the vote, but also from any deliberation on that matter or issue.

Section 3. Authority of Individual Board Members.

3.1 Individual Community Service Board members may not attempt to exercise individual authority over the Community Service Board's operations, affairs, property, or personnel except as explicitly permitted by action of the Board by policy or by resolution.

3.2 A member's interaction with the Executive Director or with employees of the Community Service Board must recognize the lack of authority vested in an individual Board member by reason of the member's position as a member of the Board except when the member's action is explicitly permitted by action of the Board by policy or by resolution.

3.3 Members' interaction with public, press or other entities must recognize the same limitation and the lack of authority of any Board member to speak for the Community Service Board except to repeat explicitly stated Board decisions.

Section 4. Confidentiality. Members of the Board, the member officers of the Board, and the non-member officers of the Community Service Board will respect the confidentiality appropriate to issues of a sensitive nature, particularly the required confidentiality of the identification or records of consumers of the Community Service Board's disability services and of the members of the families of such consumers, except to the extent disclosure of such information is required by law or regulation.

Section 5. Code of Ethics. All members shall comply with O.C.G.A. § 45-10-3, which is entitled “Code of Ethics for Members of Boards, Commissions and Authorities Created by General Statute,” and reads as follows:

“Notwithstanding any provisions of law to the contrary, each member of all boards, commissions, and authorities created by general statute shall:

(1) Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;

(2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;

(3) Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties;

(4) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit;

(5) Expose corruption wherever discovered;

(6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;

(7) Never accept any economic opportunity under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties;

(8) Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and

(9) Never take any official action with regard to any matter under circumstances in which he knows or should know that he has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action.”

Section 6. Not Exclusive. The requirements of this Article are in addition to any law regulating conflicts of interest, including the requirements of O.C.G.A. § 37-2-6 which may require removal or resignation of a Community Service Board member from office by reason of a conflict of interest as described in that Code Section.

ARTICLE XVII

CLAIMS AGAINST COMMUNITY SERVICE BOARD

To the extent O.C.G.A. 37-2-11.1(c) and 36-11-1 or the State Tort Claims Act, O.C.G.A. Title 50, Chapter 21, so require a claim or notice of a claim against the Community Service Board shall be sufficiently presented if within the time allowed for the presentation of claims or the notice, the claim or notice of claim is in writing addressed to and received by either:

1. Chair, McIntosh Trail Community Service Board,

OR

2. Executive Director, McIntosh Trail Community Service Board, in either case at the principal office of the Community Service Board.

ARTICLE XVIII

AMENDMENTS

The Board may from time to time amend these Bylaws or adopt new Bylaws, but no such amendment or new Bylaws shall be called for a vote until the expiration of thirty (30) days after the proposed amendment is, in writing, distributed in person or by mail to the members of the Board.

ARTICLE XVI

PRIOR ACTIONS

The adoption of these Bylaws shall not abrogate any action heretofore taken by the Community Service Board prior to the adoption hereof.

ADOPTED: _____, 2020.

Chairperson, McIntosh Trail Community Service Board

ATTEST:

Secretary

(SEAL)

SECRETARY'S CERTIFICATE

I, the undersigned Secretary of McIntosh Trail Community Service Board, **DO HEREBY CERTIFY** that the foregoing pages represent a copy of the Bylaws duly adopted by McIntosh Trail Community Service Board at a duly called meeting of McIntosh Trail Community Service Board at which a quorum was present and acting throughout and at which a majority of the members of McIntosh Trail Community Service Board voted affirmatively to adopt such Bylaws as the Bylaws of McIntosh Trail Community Service Board.

I FURTHER CERTIFY that the foregoing is a true, correct and complete copy of the original which is in the permanent records of McIntosh Trail Community Service Board, which records are in my custody and control.

I FURTHER CERTIFY that there have been no amendments or modifications of the Bylaws and that the Bylaws are in full force and effect.

Given under my hand and seal of the Community Service Board this ____ day of _____, 2020.

Secretary, McIntosh Trail Community Service Board

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2016- 04

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO REWRITE THE CODE OF ETHICS FOR FAYETTE COUNTY, GEORGIA; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY GEORGIA BE DELETED IN ITS ENTIRETY AND REPLACED WITH A NEW DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF FAYETTE COUNTY, GEORGIA TO READ AS FOLLOWS:

SECTION 1. By deleting Sections 2-200 through 2-208 which comprise the Code of Ethics in their entirety and by enacting the following Code of Ethics to be numbered and to read as follows:

Sec. 2-200. Purpose.

The purpose of this Code of Ethics is to:

(a) Encourage high ethical standards in conduct by Fayette County officials ("County Officials");

(b) Establish guidelines for ethical standards of conduct for all County Officials by setting forth those acts or actions that are incompatible with the best interests of Fayette County (the “County”);

(c) Maintain public trust through transparency by requiring disclosure by County Officials of private financial or other interests in matters affecting the County or in matters that affect their ability to act in the best interests of the County; and

(d) Serve as a basis for disciplining those who do not comply with its terms.

Sec. 2-201. Scope.

The provisions of this Code of Ethics shall be applicable to all County Officials. Further, the County Purchasing Director shall develop procedures for individuals, corporations and other entities seeking to do business with the County to disclose financial, familial or other relationships with any person who comes within the scope of this Code of Ethics and who is also required to disclose such relationships. Such disclosures must be made prior to presenting a recommendation of award to the Fayette County Board of Commissioners (the “Board of Commissioners”) or, if Board of Commissioners approval is not required, prior to execution of a contract in excess of \$10,000. The obligation for an individual, corporation or other entity seeking to do business with the County to disclose the aforementioned relationships is ongoing and shall be enforced as a prerequisite to any action by a County Official or other person covered by this Code of Ethics to renew, extend or otherwise modify a contract after award.

Sec. 2-202. Definitions.

The following words and phrases as used in this Code of Ethics shall, unless the context clearly indicates otherwise, have the meanings as follows:

- (a) *County* means Fayette County, Georgia.
- (b) *County Administrator* means the individual who serves as County Administrator of Fayette County.
- (c) *County Official* includes County employees, members of the Board of Commissioners, the County Administrator, the County Clerk and the County Attorney. County Official also includes all individuals appointed by the County Administrator and the Board of Commissioners to County authorities, commissions, committees, boards, task forces, or other bodies.
- (d) *Gift* means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. “Gift” also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.
- (e) *Ethics*: the discipline dealing with what is good and bad and with moral duty and obligation – Merriam Webster
- (f) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any County Official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (g) *Person* means an individual, a business entity, or other similar type organization.

Sec. 2-203. Prohibitions.

- (a) No County Official shall use or secure confidential information for any purpose other than his/her official duties.
- (b) No County Official may participate or vote on any matter before the Board of Commissioners or other County body where such County Official has a substantial interest in the

outcome of such matter. For purposes of this Code of Ethics, a substantial interest is found where the County Official receives a pecuniary interest due to the outcome of the vote.

(c) No County Official shall act as an agent or attorney for another in any matter before the Board of Commissioners or other County body.

(d) No County Official shall enter into any contract with the County except as authorized by state law.

(e) No County Official shall solicit or accept other employment to be performed, or compensation to be received, while still a County Official if the employment or compensation could reasonably be expected to impair such County Official's judgment or performance of County duties.

(f) No County Official shall disseminate confidential information to someone other than another County Official, unless otherwise authorized by law.

(g) No County Official shall solicit or accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the County Official's duties.

Sec. 2-204. Conflict of Interest.

(a) No County Official may participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the County Official has a substantial interest.

(b) A County Official who has a relationship with any entity which receives funding from the County shall disclose such relationship prior to participating in any action for such funding.

(c) A County Official shall never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration.

(d) No County Official shall engage in any business with the County, or allow any member of his/her immediate family to engage in any business with the County which is inconsistent with the conscientious performance of his/her governmental duties.

(e) Notwithstanding anything contained herein to the contrary, a County Official shall disclose, prior to discussing or taking any action on any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than \$100.00. Receipt of gifts and campaign contributions within the current election cycle valued at \$250.00 or more by a County Official, or member of his/her immediate family, will prohibit the County Official from participating or taking action on any matter involving the donor.

Sec. 2-205. Enforcement and administration.

(a) All allegations of violations of the Code of Ethics must be filed with the County Clerk, in writing, signed by the complainant, no later than 45 days after the alleged act occurred unless the complainant, by exercising reasonable diligence, failed to discover the alleged violation of the Code of Ethics within such 45-day period. In such case, a complainant must file an Ethics Complaint with the County Clerk no later than 45 days after the complainant discovered the alleged violation.

(b) In no event shall an Ethics Complaint be filed with the County Clerk more than six (6) months from the date of the alleged violation of the Code of Ethics.

(c) The complainant may withdraw the Ethics Complaint at any time in writing.

(d) Within 30 days of receipt of an Ethics Complaint the Board of Commissioners will review the Ethics Complaint to determine whether same is on its face unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke disciplinary jurisdiction. A majority of the full Board of Commissioners must agree that a sufficient basis has been given to warrant a public hearing. Certain violations alleged against County Officials who are employees may be referred through the proper channels consistent with the Employee Handbook's disciplinary procedures. A majority of the full Board of Commissioners shall make the determination of whether or not a review board should be impaneled.

(e) If a complaint is received by the Clerk which alleges a violation of the Code of Ethics by a member of the Board of Commissioners, a determination of sufficiency of the complaint will not be forwarded to the Board of Commissioners. The County Attorney of any county within the Griffin Judicial Circuit, or any circuit abutting the Griffin Judicial Circuit, other than the County Attorney for Fayette County, shall make the determination of whether or not a review board should be impaneled.

(f) If a review board is needed, three (3) county attorneys, other than the County Attorney for Fayette County, within reasonably close geographic proximity of the County will be requested to conduct a public hearing based upon the complaint. A majority vote based upon clear and convincing evidence will determine the existence of the violation or lack thereof. Should the review board find a violation has occurred, the review board will assess the commensurate penalty for the violation. A written decision shall be issued within 15 days of the conclusion of the public hearing. County Officials are subject to the following penalties and action for violations of the Code of Ethics:

- (1) Written reprimand or public censure;

- (2) Recovery of value transferred from or received by the County;
- (3) Cancellation of the contract or rejection of the bid or offer;
- (4) A monetary fine not to exceed \$1,000.00; and
- (5) Demotion or termination.

(g) Any County Official adversely affected by any final decision of the Board of Ethics may appeal as provided in this subsection.

(h) An appeal by certiorari may be commenced in the Superior Court of Fayette County within 30 days after the decision becomes final.

Secs. 2-206 – 2-220. Reserved.

SECTION 2. This ordinance shall become effective immediately upon its adoption by the Fayette County Board of Commissioners.

SECTION 3. All other ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed.

SECTION 4. In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ORDAINED this 25th day of February, 2016.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)



ATTEST:

By: Charles W. Oddo

CHARLES W. ODDO

Floyd L. Jones
Floyd L. Jones, County Clerk

Approved as to form:

[Signature]
County Attorney