

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1128

An Act to amend and reenact §§ 2.2-2715, 2.2-2715.1, and 2.2-2716 of the Code of Virginia, relating to the Veterans Services Foundation.

[H 1269]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2715, 2.2-2715.1, and 2.2-2716 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2715. Veterans Services Foundation; purpose; report; membership; terms; compensation; staff.

A. The Veterans Services Foundation (the Foundation) is established as an independent body politic and corporate agency of the Commonwealth supporting the interests of veterans and their families and contributors through the Secretary of Veterans and Defense Affairs and the programs and services of the Department of Veterans Services. The Foundation shall be governed and administered by a board of trustees *who may be assisted in the administration of the Foundation by principal staff members, agents, and advisors*. The membership of the Foundation shall be composed of the board of trustees, supporting staff, *agents, advisors*, donors, volunteers, and other interested parties.

B. The Foundation shall (i) administer the Veterans Services Fund (the Fund), (ii) provide funding for veterans services and programs in the Commonwealth through the Fund, and (iii) accept and raise revenue from all sources, including private source fundraising, to support the Fund. The Foundation shall submit a quarterly report to the Commissioner of Veterans Services on the Foundation's funding levels and services and an annual report to the Secretary of Veterans and Defense Affairs and the General Assembly on or before November 30 of each year. The quarterly report shall be submitted electronically. The annual report to the General Assembly shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

C. The board of trustees of the Foundation shall consist of the Secretary of Veterans and Defense Affairs and the Chairmen of the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations or their designees, who shall serve as ex officio voting trustees, and 16 trustees to be appointed as follows: eight nonlegislative citizens appointed by the Governor; five nonlegislative citizens appointed by the Speaker of the House of Delegates; and three nonlegislative citizens appointed by the Senate Committee on Rules. A majority of the appointed trustees shall be active or retired chairmen, chief executive officers, or chief financial officers for large private corporations or nonprofit organizations or individuals who have extensive fundraising experience in the private sector. Trustees appointed shall, insofar as possible, be veterans. Each appointing authority shall endeavor to ensure a balanced representation *of the armed services* among the officer and enlisted ranks ~~of the armed services~~ and geographical representation on the board of trustees to facilitate fundraising efforts across the state.

Trustees shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All trustees may be reappointed. However, no trustee shall serve more than two consecutive four-year terms. The remainder of any term to which a trustee is appointed to fill a vacancy shall not constitute a term in determining the trustee's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments. Any trustee may be removed at the pleasure of the appointing authority.

D. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate established for members of the General Assembly pursuant to § 30-19.12.

E. The Department of Veterans Services shall provide the Foundation with administrative and staff support and other services.

F. The trustees shall adopt bylaws governing their organization and procedures and may amend the same. The trustees shall elect ~~from their number~~ a chairman and such other officers as their bylaws may provide. Ex officio trustees *who serve as the chairman of another board* shall not be eligible to serve as chairman. The trustees shall meet four times a year at such times as they deem appropriate or on call of the chairman. A majority of the voting trustees of the board of trustees shall constitute a quorum.

G. The Department of Veterans Services shall provide qualified finance and development personnel to perform the duties of the treasurer and secretary of the Foundation in accordance with the Foundation's directives. *Individuals appointed to perform the duties of treasurer and secretary pursuant to this subsection shall be ex officio, nonvoting officers of the board of trustees.*

H. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to the members of the board of trustees and the employees of the Foundation.

§ 2.2-2715.1. Executive Director.

A. The Board may hire an Executive Director of the Foundation, who shall serve at the pleasure of the Board, to direct the day-to-day operations and activities of the Foundation and carry out the powers and duties conferred upon him by the trustees. The Executive Director shall also exercise and perform such other powers and duties as may be lawfully delegated to him and such powers and duties as may be conferred or imposed upon him by law.

B. ~~The~~ *Subject to the approval of the board of trustees, the* Executive Director may employ or retain such agents, *advisors, volunteers,* or employees subordinate to him as necessary to fulfill the duties of the Foundation as conferred upon the Executive Director. Employees of the Foundation, including the Executive Director, shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

C. Notwithstanding any law or policy to the contrary, the Board shall exercise personnel authority over the Executive Director and other employees of the Board.

§ 2.2-2716. Authority of board of trustees.

The ~~Foundation~~ *board of trustees* has the authority to:

1. Administer the Veterans Services Fund, request appropriations, and make allocations of revenue from the Fund to the Department of Veterans Services to provide supplemental funding for the Department's services and programs;
2. Accept, hold, and administer gifts and bequests of money, securities, or other property, absolutely or in trust, for the purposes for which the Foundation is created;
3. Enter into contracts and execute all instruments necessary and appropriate to carry out the Foundation's purposes;
4. Take such actions as may be reasonably necessary to seek, promote, and stimulate contributions for the Fund;
5. Develop other possible dedicated revenue sources for the Fund;
6. Perform any lawful acts necessary or appropriate to carry out the purposes of the Foundation; and
7. Develop policies and procedures applicable to the management and functioning of the Foundation and the Department of Veterans Services relating to (i) administration of the Fund, (ii) provision of funding for veterans services and programs through the Fund, and (iii) acceptance and fundraising to strengthen the structure of the Fund.