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SENATE BILL NO. 1040

Offered January 20, 1999

A *BILL to amend and reenact § 37.1-195 of the Code of Virginia, relating to community services boards.*

Patron—Martin

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 37.1-195 of the Code of Virginia is amended and reenacted as follows:**

§ 37.1-195. Community services board; appointment; membership; duties of fiscal agent.

A. Every city, county or combination of counties or cities or counties and cities, before it shall come within the provisions of this chapter, shall establish a single community services board, with neither less than six nor more than eighteen members. When any city or county singly establishes a community services board, the board shall be appointed by the governing body of the local political subdivision establishing the board. When any combination of counties or cities or counties and cities establishes a community services board, the board of supervisors of each county or the council of each city shall mutually agree on the size of the board and appoint the members of the community services board. Prior to making any appointment to the board, the appointing authority shall disclose and make available to the public the names of those persons being considered for appointment. The appointing authority shall also make information on the candidates available to the public, if such information is available to the appointing authority.

Appointments to the community services board shall be broadly representative of the community. One-third of the appointments to the board shall be identified consumers or family members of consumers, at least one of whom shall be a consumer receiving services. One or more members may be nongovernmental service providers. Sheriffs or their designees shall also be included, when practical. No employee or board member of an organization which receives funding from any community services board shall be appointed a member of the board. *However, a board member of a nonprofit organization that receives funding from any community services board solely in the form of rent payments shall be eligible for appointment to such board.*

No such board shall be composed of a majority of local government officials, elected or appointed, as members, nor shall any county or city be represented on such board by more than two elected or appointed officials.

The board appointed pursuant to this section shall be responsible to the governing body or bodies of the county or city or combination thereof that established such board.

B. A city council or county board of supervisors may designate its community services board as (i) an operating board, (ii) an administrative policy board or (iii) a policy-advisory board. A combination of cities or counties or cities and counties may establish a joint community services board either as (i) an operating board, (ii) an administrative policy board or (iii) a policy-advisory board.

C. The county or city or combination of cities or counties, or cities and counties that establishes an operating board, shall receive an independent annual audit of the total revenues, expenditures, and data of that operating board, and shall provide a copy of the audit to the Department. The county or city or combination of cities or counties or cities and counties that establishes an operating board shall designate an official of one member city or county to act as fiscal agent for the board. The county or city whose designated official serves as fiscal agent for the board in the case of joint boards shall review and act upon the independent audit of the board, and shall, in conjunction with the other participating political subdivisions, arrange for the provision of legal services to the board.

D. The county or city or combination of cities or counties, or cities and counties that establishes an administrative policy board shall receive an independent annual audit of the total revenues, expenditures, and data of the administrative policy board, provide a copy of the audit to the Department, and arrange for the provision of legal services to the board. When a combination of cities or counties establishes an administrative policy board, the participating subdivisions shall designate an official of one member city or county to act as fiscal agent for the board. The county or city whose designated official serves as fiscal agent for the board in the case of joint boards shall review and act upon the independent audit of the board, and shall, in conjunction with the other participating political subdivisions in the case of joint boards, arrange for the provision of legal services to the board.

E. The county or city or combination of cities or counties, or cities and counties that establishes a policy-advisory board shall provide an annual audit of the total revenues, expenditures, and data of the

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60 city or county government department to the board and the Department, carry out the responsibilities
61 and duties enumerated in §§ 37.1-197 A and 37.1-197.1, and provide legal services to the board. When a
62 combination of cities or counties or cities and counties establishes a policy-advisory board, the
63 participating subdivisions shall designate which local government shall operate the city or county
64 government department. This local government shall provide an annual audit of the total revenues,
65 expenditures, and data of that department to the board and the Department, carry out the responsibilities
66 and duties enumerated in §§ 37.1-197 A and 37.1-197.1, and, in conjunction with the other participating
67 political subdivisions in the case of joint boards, arrange for the provision of legal services to the board.