COUNTY AGENDA REQUEST

Department:	Commissioners	Presenter(s):	County Clerk Floyd Jones
Meeting Date:	Thursday, February 14, 2013	Type of Request:	New Business

Wording for the Agenda:

Consideration of the County Clerk's request to fill one new position, for a three-year term, on the McIntosh Trail Community Service Board.

Background/History/Details:

The McIntosh Trail Community Service Board (MTCSB) is a public entity created by the Georgia legislature in 1993 to provide mental health, developmental disability and addictive disease services. Services are available to residents of Butts, Fayette, Henry, Lamar, Pike, Spalding and Upson Counties. The agency is headquartered in Griffin, and works under the Region 3 Board and under the statutes of the Georgia Department of Behavioral Health and Development Disabilities.

Historically, Fayette County has had two members seated on the MTCSB. The number of seats afforded to each county is based on that county's population according to the most recent United States decennial census. A county with a population of 50,000 or less is afforded one seat, and counties with populations of 50,000 or greater "shall appoint one member for each population increment of 50,000 or any portion thereof".

Fayette County's population, according to the last U.S. census, is 106,567 citizens. This census count allows Fayette County to place a third member on the MTCSB. Recently, the MTCSB contacted Fayette County and provided a recommendation to fill the new position.

What action are you seeking from the Board of Commissioners?

Staff seeks the Board's direction on whether to advertise, to seek Board nominations, or for the Chairman to appoint a selection committee to fill the new position for the McIntosh Trail Community Service Board.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

Similar to the process used with Commissioner Barlow and the Library Board recommendation and appointment.

McIntosh Trail
Mental Health ◆ Developmental Disabilities ◆ Addictive Diseases
Community Care for Individual Needs

Serving Counties: Butts, Fayette, Henry, Lamar, Pike, Spalding, Upson

1501-A Kalamazoo Drive
Griffin, GA 30224
phone 770-358-5252
fax 770-229-3223

January 17, 2013

Mr. Steve Brown, Chair
Fayette County Commissioners
140 Stonewall Avenue, Suite 100
Fayetteville, GA 30214

Dear Mr. Brown:

Prior to Carol Chandler's retirement, she informed McIntosh Trail that according to the census and the OCGA code that Fayette County should have three representatives instead of the present two. The code states there is one member for each population increment of 50,000 or any portion thereof. The 2010 census for Fayette County is 106,567. At present, Ken Schall and Terry Willis represent Fayette County.

I am requesting that Fayette County nominate someone to fill this new vacancy. It is my understanding that this board vacancy will be advertised in Fayette County for a period of time. Attached is an Application for Consideration for Appointment for [redacted] has expressed a desire to serve. Please consider [redacted] when reviewing other nominations.

Attached is a copy of the Official Appointment Form to be completed and forwarded to Frank Berry, Director of the Division of Behavioral Health and Developmental Disabilities. Also, **please** send copy of this form to us.

We would appreciate your attention to this matter as soon as possible. Please call Pam McCollum, 770-358-8250, or me, 678-751-6991 if you have any questions.

Sincerely,

Susan Craig

Susan Craig, Board Chair

Enclosures (2)

carf

OFFICIAL APPOINTMENT FORM

Appointments to_____
Behavioral Health and Developmental DisabilitiesCommunity Service Board

Number of Appointments: _____ for _____County Total Community Service Appointments_____

Date:_____/____/_____ Prepared by:_____ Telephone:(_____)

Nominee/Appointee	Address and Telephone Number	Male or Female	Race/ Ethnic Group	Age	Occupation	Consumer or Family Member (Yes or No)	Disability Representation Check One for Consumers and Family Only MH DD AD

Signature of County Commission Chair:_____
Upon completion, please return this form to Frank Shelp, Commissioner, Department of Behavioral Health and Developmental Disabilities Services, 2 Peachtree Street, Atlanta, GA 30303.

Note: Please send copy of this form to S. Manley, McIntosh Trail CSB, P. O. Box 1320, Griffin, GA 30224.

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Who We Are

The McIntosh Trail Community Service Board is a public entity created by the Georgia legislature in 1993 to provide mental health, developmental disability and addictive disease services. Services are available to residents of Butts, Fayette, Henry, Lamar, Pike, Spalding and Upson counties. McIntosh Trail is CARF accredited.

Our Mission

The mission of 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.

JOIN THE VOICE OF RECOVERY: IT'S WORTH IT

Care Connection

770.358.5252

Georgia Crisis & Access Line

1.800.715.4225

Grievance Hot Line

770.358.8466

McIntosh Trail Community Service Board is an active participant in the National Recovery Month initiative through their Substance Abuse program **New Choices**. On **Thursday, September 27th, 2012 at 3:00pm to 6:00pm, New Choices**, a TANF Ready to Work program, is hosting an **Addictive Awareness and Empowerment through Recovery Event** at the **Lamar County Civic Center**. For more information, download our flyer and press release.

The Butts County Counseling Center/ Child and Adolescent Clubhouse Opens

The Butts County Counseling Center/ Child and Adolescent Clubhouse is a resiliency support program for middle/ high schoolers who are receiving counseling services at Butts County Counseling Center.

The Clubhouse program is designed to provide a comprehensive and unique set of services for adolescents and their families experiencing behavioral symptoms, family difficulties, problems in adjustment, isolation and other challenges related to mental health.

Clubhouse supportive activities include:

- Tutoring
- Therapeutic Recreational Activities
- Peer Support Services
- Social Activities and Outings
- Game Room
- Music Studio
- GED preparation
- SAT preparation
- Employment counseling
- Aftercare Services

Commission on the Accreditation of Rehibilitation Facilities (CARF)

1.888.281.6531

Services:

- Addictive Diseases
- Developmental Disabilities
- Mental Health
- Specialty

Contact Information:

For Enrollment in the Clubhouse:
Call 770-358-5252 for a Mental Health Assessment
to evaluate appropriateness for membership.

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Addictive Diseases | Developmental Disabilities | Mental Health | Specialty
Butts County | Fayette County | Henry County | Lamar County | Pike County | Spalding County | Upson County

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Board of Directors

Butts County
Sandra T. Haisten
Robert B. Green

Fayette County
Ken Schall
Terry Willis

Henry County
Susan Craig, *Chair*
Robert J. Gosnell, *Vice-Chair*
Carolyn Brown
Mary Evans-Battle

Care Connection

770.358.5252

Georgia Crisis & Access Line

1-800-715-4225

Grievance Hot Line

770.358.8466

Services:

- Addictive Diseases
- Developmental

Lamar County
Nancy Anderson

Pike County
Robert Blalock

Spalding County
Joy Kelley, *Secretary*
Cecil Davis
Vacant

Upson County
Laurie Mameli

Disabilities
- Mental Health
- Specialty

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Care Connection

770.358.5252

Georgia Crisis & Access Line

1-800-715-4225

If you have any comments or questions about this report card contact Janet Robinson, CARF Coordinator at jrobinson@mctrail.org or 770-358-8266

Grievance Hot Line

770.358.8466

Services:

- Addictive Diseases
- Developmental Disabilities
- Mental Health
- Specialty

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MCINTOSH TRAIL MENTAL HEALTH/ DEVELOPMENTAL DISABILITIES/ ADDICTIVE DISEASES COMMUNITY SERVICE BOARD

O.C.G.A. § 37-2-6

GEORGIA CODE
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*** Current Through the 2011 Extraordinary Session ***
*** Annotations Current Through January 20, 2012 ***

TITLE 37. MENTAL HEALTH
CHAPTER 2. ADMINISTRATION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, ADDICTIVE DISEASES, AND OTHER DISABILITY SERVICES
ARTICLE 1. GENERAL PROVISIONS

O.C.G.A. § 37-2-6 (2011)

§ 37-2-6. Community mental health, developmental disabilities, and addictive diseases service boards -- Creation; membership; participation of counties; transfer of powers and duties; alternate method of establishment; bylaws; reprisals prohibited

(a) Community service boards in existence on June 30, 2006, are re-created effective July 1, 2006, to provide mental health, developmental disabilities, and addictive diseases services. Effective July 1, 2009, such community service boards may enroll and contract with the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health to become a provider of mental health, developmental disabilities, and addictive diseases services or health, recovery, housing, or other supportive services. Such boards shall be considered public agencies. Each community service board shall be a public corporation and an instrumentality of the state; provided, however, that the liabilities, debts, and obligations of a community service board shall not constitute liabilities, debts, or obligations of the state or any county or municipal corporation and neither the state nor any county or municipal corporation shall be liable for any liability, debt, or obligation of a community service board. Each community service board re-created pursuant to this Code section is created for nonprofit and public purposes to exercise essential governmental functions. The re-creation of community service boards pursuant to this Code section shall not alter the provisions of Code Section 37-2-6.2 which shall apply to those re-created community service boards and their employees covered by that Code section and those employees' rights are retained.

(b) Each community service board shall consist of members appointed by the governing authorities of the counties within the community service board area. Membership on such community service board shall be determined as follows:

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

(i) With a population of 50,000 or less according to the most recent United States decennial census shall appoint one member to the board; and

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

(B) In the event that the number of community service board member positions established in accordance with subparagraph (A) of this paragraph would exceed 13, the membership of such community service board pursuant to this subsection shall be appointed as follows and the bylaws shall be amended accordingly:

(i) For community service boards whose community service board area contains 13 or fewer counties, the board shall be set at 13 members and appointments to the board shall be made by the governing authority of each county within the community service board area in descending order from the county with the largest population to the county with the smallest population according to the most recent United States decennial census and this method shall be repeated until all 13 members of the community service board are appointed. If a county governing authority fails to make an appointment within a reasonable time, the next descending county by population shall make an appointment and the method shall continue; and

(ii) For community service boards whose community service board area contains more than 13 counties, one member of the community service board shall be appointed by the governing authority of each county within the community service board area, so that the number of members on the board is equal to the number of counties in the community service board area.

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

(2) In addition to the members appointed pursuant to paragraph (1) of this subsection, each community service board may appoint up to three additional members in order to address variation in the population sizes of counties or the financial contributions of counties within the community service board area or may authorize the elected chief executive officer of a county governing authority, by whatever name called, or an elected member of that county governing authority to serve on the community service board while holding such elective office. The bylaws of the community service board shall address the number of such additional members, if any, and the purpose or purposes for which such positions are created. The term of office of such additional members shall be the same as that of other members as provided in subsection (h) of this Code section; except that the term of office of a member in a position created to authorize the elected chief executive officer of a county governing authority, by whatever name called, or an elected member of that county governing authority to serve on the community service board shall be the same term of office as the elective term of office of said chief executive officer or said member of that county governing authority;

(3) Each community service board in existence on June 30, 2006, shall reconstitute its membership in accordance with the provisions of paragraphs (1) and (2) of this subsection, effective July 1, 2006, as follows:

(A) A community service board which increases or reduces the number of its members in accordance with paragraphs (1) and (2) of this subsection shall revise its bylaws adopted in accordance with subsection (h) of this Code section to reflect such increases or reductions. A community service board which reduces the number of its members shall designate which position or positions are to be eliminated and shall make reasonable efforts to eliminate any position or positions of members whose terms expire on or before June 30, 2006; provided, however, that members serving on a community service board whose terms do not expire on or before June 30, 2006, shall continue to serve out the terms of office to which they were appointed, regardless of whether this causes a board to temporarily exceed the maximum number of members. Any additional positions created in conformity with such paragraphs (1) and (2) may be filled on July 1, 2006, and the governing authority of a county that is otherwise authorized to appoint such additional community service board member or members may do so no sooner than May 1, 2006, but any person so appointed shall not take office until July 1, 2006. If a position on such community service board is not filled on July 1, 2006, a vacancy in

that position shall be deemed to have occurred on that date. A community service board is authorized to make whatever changes necessary in the terms of office of its members in order to achieve the staggering of terms required by subsection (h) of this Code section; and

(B) The term of office of an ex officio, voting member of a community service board holding membership on June 30, 2006, shall expire on June 30, 2006; and

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

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

(ii) An employee or board member of a public or private entity which contracts with the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health to provide mental health, developmental disabilities, and addictive diseases services or health services within the region; or

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

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

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

(b.1) A county governing authority may appoint the school superintendent, a member of the county board of health, a member of the board of education, or any other elected or appointed official to serve on the community service board provided that such person meets the qualifications of paragraph (1) of subsection (b) of this Code section and such appointment does not violate the provisions of Chapter 10 of Title 45. For terms of office which begin July 1, 1994, or later, an employee of the Department of Human Resources (now known as the Department of Behavioral Health and Developmental Disabilities for these purposes) or an employee of a county board of health shall not serve on a community service board. For terms of office which begin July 1, 2009, or later, an employee of the department, the Department of Human Services, the Department of Public Health, or the Department of Community Health or a board member of the respective boards of each department shall not serve on a community service board.

(c) In making appointments to the community service board, the county governing authorities shall ensure that such appointments are reflective of the cultural and social characteristics, including gender, race, ethnic, and age characteristics, of the community service board area and county populations. The county governing authorities are further encouraged to ensure that each disability group is represented on the community service board, and in making such appointments the county governing authorities may consider suggestions from clinical professional associations as well as advocacy groups. For the purposes of this subsection, "advocacy groups" means any organizations or associations that advocate for, promote, or have

an interest in disability services and are exempted as a charitable organization from federal income tax pursuant to Section 501(c) of the Internal Revenue Code; provided, however, that "advocacy groups" shall not mean paid providers of disability services or health services.

(c.1) A county governing authority in making appointments to the community service board shall take into consideration that at least one member of the community service board is an individual who is trained or certified in finance or accounting; provided, however, that 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 authority may consider for appointment any other person having a familiarity with financial or accounting practices.

(d) Each county in which the governing authority of the county is authorized to appoint members to the community service board shall participate with the board in the operation of the program through the community service board. All contractual obligations, including but not limited to real estate leases, rentals, and other property agreements, other duties, rights, and benefits of the mental health, developmental disabilities, and addictive diseases service areas in existence on June 30, 2006, shall continue to exist along with the new powers granted to the community service boards effective July 1, 2006.

(e) Notwithstanding any other provision of this chapter, a community service board may be constituted in a method other than that outlined in subsection (b) of this Code section if:

(1) A board of health of a county desiring to be the lead county board of health for that county submits a written agreement to the former Division of Mental Health, Developmental Disabilities, and Addictive Diseases (now known as the Department of Behavioral Health and Developmental Disabilities) of the former Department of Human Resources before July 1, 1993, to serve as the community service board and to continue providing disability services in that county after July 1, 1994, and the governing authority for that county adopted a resolution stating its desire to continue the provision of disability services through its board of health after July 1, 1994, and submitted a copy of such resolution to the former division before July 1, 1993; or

(2) (A) The lead county board of health for a community mental health, mental retardation, and substance abuse service area, as designated by the former Division of Mental Health, Developmental Disabilities, and Addictive Diseases (now known as the Department of Behavioral Health and Developmental Disabilities) of the former Department of Human Resources on July 15, 1993, but which area excludes any county which meets the requirements of paragraph (1) of this subsection, submitted a written agreement to the former division and to all counties within such service area to serve as the community service board for that area and to continue providing disability services after July 1, 1994, which agreement was submitted between July 31, 1993, and December 31, 1993; and

(B) Each county governing authority which is within the service area of a lead county board of health which has submitted an agreement pursuant to subparagraph (A) of this paragraph adopted a resolution stating its desire to continue the provision of disability services through such lead county board of health after July 1, 1994, and submitted a copy of that resolution to the former division, the regional board, and the lead county board of health between July 31, 1993, and December 31, 1993; and

(3) The lead county board of health qualifying as such under paragraph (1) or (2) of this subsection agrees in writing to appoint a director for mental health, mental retardation, and substance abuse other than the director of the county board of health as stipulated in Code Section 31-3-12.1, to appoint an advisory council on mental health, mental retardation, and substance abuse consisting of consumers, families of consumers, and representatives from each of the counties within the boundaries of the community service board, and to comply with all other provisions relating to the delivery of disability services pursuant to this chapter.

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

(g) If a community service board is established pursuant to paragraph (2) of subsection (e) of this Code section, such community service board must operate as established at least until June 30, 1996; provided, however, that in each fiscal year following June 30, 1996, the counties included under the jurisdiction of such a community service board may vote to reconstitute the community service board pursuant to the provisions of subsection (b) of this Code section by passage of a resolution by a majority of the county governing authorities within the jurisdiction of the community service board prior to January 1, 1997, or each year thereafter.

(h) Each community service board shall adopt bylaws and operational policies and guidelines in conformity with the provisions of this chapter. Those bylaws shall address board appointment procedures, initial terms of board members, the staggering of terms, quorum, a mechanism for ensuring that consumers of disability services and family members of consumers constitute no less than 50 percent of the board members appointed pursuant to subsection (b) of this Code section, and a mechanism for ensuring equitable representation of the various disability groups. A quorum for the transaction of any business and for the exercise of any power or function of the community service board shall consist of a majority of the total number of filled board member positions appointed pursuant to subsection (b) of this Code section. A vote of the majority of such quorum shall be the act of the governing board of the community service board except where the bylaws of the community service board may require a greater vote. The regular term of office for each community service board member shall be three years. Vacancies on such board shall be filled in the same manner as the original appointment. For the purposes of this subsection, "equitable representation of the various disability groups" shall mean that consumers and family members of such consumers who constitute no less than 50 percent of the board members holding membership pursuant to subsection (b) of this Code section shall be appointed so as to assure that an equal number of such members to the fullest extent possible represents mental health, developmental disabilities, and addictive diseases interests.

(i) Each community service board which is composed of members who are appointed thereto by the governing authority of only one county shall have a minimum of six and no more than 13 members, not including any additional members appointed pursuant to paragraph (2) of subsection (b) of this Code section, notwithstanding the provisions of subsection (b) of this Code section, which members in all other respects shall be appointed as provided in this Code section.

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

(k) A member of a community service board who after notice that such member has failed to complete any required training prescribed by the department pursuant to paragraph (6) of Code Section 37-1-20 continues such failure for 30 days may be removed from office by the

remaining members of the community service board.

(l) A member of a community service board may resign from office by giving written notice to the executive director of the community service board. The resignation is irrevocable after delivery to such executive director but shall become effective upon the date on which the notice is received or on the effective date given by the member in the notice, whichever date is later. The executive director, upon receipt of the resignation, shall give notice of the resignation to the remaining members of the community service board and to the chief executive officer or governing authority of the county that appointed the member.

(m) The office of a member of a community service board shall be vacated upon such member's resignation, death, or inability to serve due to medical infirmity or other incapacity, removal by the community service board as authorized in this Code section or upon such other reasonable condition as the community service board may impose under its bylaws.

(n) A member of a community service board may not enter upon the duties of office until such member takes the following oath of office:

STATE OF GEORGIA

COUNTY OF

I, , do solemnly swear or affirm that I will truly perform the duties of a member of the Community Service Board to the best of my ability.

I do further swear or affirm:

(1) That I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof;

(2) That I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited from holding;

(3) That I am otherwise qualified to hold said office according to the Constitution and the laws of Georgia; and

(4) That I will support the Constitution of the United States and this state.

Signature of member of

Community Service Board

Typed name of member of

Community Service Board

Sworn and subscribed

before me this day

of , .

(SEAL)

HISTORY: Code 1933, § 88-607, enacted by Ga. L. 1976, p. 953, § 1; Ga. L. 1986, p. 1213, § 1; Ga. L. 1993, p. 1445, § 16; Ga. L. 1994, p. 437, § 4; Ga. L. 1999, p. 860, § 1; Ga. L. 2002, p. 1324, §§ 1-7, 2-3; Ga. L. 2006, p. 310, § 5/HB 1223; Ga. L. 2009, p. 453, § 3-1/HB 228; Ga. L. 2010, p. 878, § 37/HB 1387; Ga. L. 2011, p. 705, § 5-22/HB 214.

In

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