ARTICLE I

NAME AND SEAL OF THE BOARD

SECTION 1. Name. The name of the Board is stated by law as the "Board of Human Services." [Reference O.C.G.A. § 49-2-2.]

SECTION 2. Seal. The Seal of the Board of Human Services is reproduced immediately below:

DHS
GEORGIA DEPARTMENT OF HUMAN SERVICES

The above Seal shall be used for identification purposes only, and its imprint or use shall not be necessary to evidence the official acts of the Board.

ARTICLE II

AUTHORITY, POWERS AND FUNCTIONS

SECTION 1. Authority and Functions. The general authority and functions of the Board are created and defined by law. [General References: O.C.G.A. Title 49, Social Services.]

SECTION 2. Functions. The Board performs five categorical functions: (1) Policy-Making Function, *(2)* Rule-Making Function, (3) Trustee Function, (4) Appointing Authority Function, and (5) Advocacy Function. For example:

Policy-Making Function. The Policy-Making Function includes, but is not limited to: (a) establishment of general policy to be followed by the "Department of Human Services" [Reference O.C.G.A. § 49-2-3 and 49-2-7; (b) approval of annual Departmental requests for appropriations, prior to submission to the office of Planning and Budget [Reference O.C.G.A. § 45-12- 78(a); (c) approval of requests for sponsorship of legislation which will establish public policy affecting the Department and its program operations; and (d) review of long-range plans of the Department.

Rule-Making Function. The Rule-Making Function includes, but is not limited to: (a) adoption, amendment, repeal of administrative rules and regulations; (b) granting of variances, waivers and exemptions to rules and regulations; (c) acting on petitions for rule·making; (d) approval of certain rules adopted by other state agencies/boards (a s required b y specific laws); and (e) acting on petitions for declaratory rulings.

Trustee Function. The Trustee Function includes: (a) approval of the transfer, razing or construction of real property; and (b) the review of financial and program audits.

Appointing Authority Function. The Appointing Authority Function includes: (a) appointments, as required by statute, of members of Advisory Councils; (b) appointments of certain Departmental staff; (c) appointment, with the approval of the Governor, the Commissioner; and (d) establishing the Commissioner's salary.

Advocacy Function. The Advocacy Function includes: (a) the promotion of the programs of the Department; and (b) representation of the human service needs of the people of Georgia.

ARTICLE III

MEMBERS

SECTION 1. Number. The number of members of the Board is established by law as nine (9) persons. [Reference O.C.G.A. § 49-2-2.]

SECTION 2. Appointment and Term. Each member of the Board is appointed by the Governor, and each appointment is confirmed by the Senate. The Governor shall designate the initial terms of the members of the board as follows: three members shall be appointed for one year; three members shall be appointed for two years; and three members shall be appointed for three years. Thereafter, all succeeding appointments shall be for three-year terms from the expiration of the previous term. [Reference O.C.G.A. § 49-2-2(b).]

SECTION 4. Vacancies. Vacancies in office are to be filled by appointment by the Governor, subject to confirmation by the Senate for the balance of the unexpired term. The appointment shall be submitted to the Senate for confirmation at the next session of the General Assembly. An appointment to fill a vacancy, other than by expiration of a term of office, shall be for the balance of the unexpired term. [Reference O.C.G.A. § 49-2-2(c).]

SECTION 5. Code of Ethics for Board Members. Members will abide by the "Code of Ethics for Members of Boards, Commissions, and Authorities" and the "Conflict of Interest" statutes. [Reference O.C.G.A. § 45-10-3 and 45-10-20]

SECTION 6. Expenses. The members of the Board shall receive per diem and expenses as shall be set and approved by the Office of Planning and Budget and in conformance with rates and allowances set for members of other state boards. O.C.G.A. § 49-2-2(t).]

ARTICLE IV

CHAIR, VICE-CHAIR, SECRETARY, AND EXECUTIVE COMMITTEE

SECTION 1. Chair. State law provides that there shall be a Chair of the Board elected by and from the membership of the Board. [Reference O.C.G.A. § 49-2-2(e).]

SECTION 2. Vice-Chair. There shall also be a Vice-Chair of the Board elected by and from the membership of the Board.

SECTION 3. Secretary. There also shall be a Secretary of the Board elected by and from the membership of the Board.

SECTION 4. Duties. The duties of the Chair, or the Vice-Chair in the event of the Chair's absence, resignation or disability, shall be to preside at the meetings of the Board; to vote as any other member in plenary Board meetings; to appoint, with the approval of the Board, the members of all standing and special committees; to serve as an ex-officio member of all standing and special committees, with the exception of the nominating committee without the authority to vote; to act for the Board and to sign documents and correspondence on behalf of the Board when the express or implied authorization of the Board is granted; to call special meetings and telephone conferences of the Board; and to otherwise perform all of the duties which may be delegated to the Chair by the Board. [If the Vice-Chair is unable to preside, the Secretary will preside.]

The Secretary shall record minutes of all meetings, or have same recorded, and shall handle such correspondence as requested by the Chair, the Executive Committee, or by the Board, and shall perform such other duties as shall be delegated by the Chair or by the Executive Committee or by the Board.

SECTION 5. Election and Term. Officers of the Board shall be elected for two (2) year terms. They may succeed themselves. Elections shall be held at the June meeting of the Board. A nominating committee shall be elected by the Executive Committee in December. The Nominating Committee will present a slate of officers to the Board at the May meeting. Further nominations may be made by Board members. The new officers will take office in July.

SECTION 6. Removal. The Chair, Vice-Chair or Secretary, or any of them, may be removed from such office at any time by vote of a majority of the membership of the Board; provided, however, that notice of such intended action shall be given in writing to each member of the Board at least five (5) days prior to any meeting at which such a vote is to be taken. Upon removal of the Chair, Vice-Chair or Secretary, or any of them, the Board shall elect a successor to serve the remainder of the unexpired term(s).

SECTION 7. Vacancies. Should the office of the Chair, Vice-Chair or Secretary become vacant other than by removal, an election to fill the unexpired term shall be held as soon as reasonably possible following the office becoming vacant.

Nominations may be made by any Board member and any Board member may place his or her own name for nomination.

SECTION 8. Executive Committee. As more fully set out in Article VII of these By-Laws, the Chair, Vice-Chair, and Secretary shall serve as members of the Executive Committee, to make a three (3) person Executive Committee.

ARTICLE V

THE COMMISSIONER

SECTION 1. The Commissioner. The office of "Commissioner of Human Services" is created and generally defined by law. [Reference O.C.G.A. § 49-2-1.]

SECTION 2. Duties. The Commissioner is required by law to be the chief administrative officer of the Department and, subject to the general policy established by the Board, shall supervise, direct, account for, organize, plan, administer and execute the functions vested in the Department of Human Services. [Reference O.C.G.A. § 49-2-1.]

SECTION 3. How Appointed and Removed. State law requires that the Commissioner be both appointed and removed by the Board, subject to the approval of the Governor. The Board may appoint or remove the Commissioner at any time, subject to the approval of the Governor, by vote of a majority of its membership. [Reference O.C.G.A. § 49-2-I.J

SECTION 4. Term. The Commissioner shall serve at the pleasure of the Board and the Governor.

SECTION 5. Salary. The salary of the Commissioner shall be established by the Board with the approval of the Governor. The Board shall periodically review the salary of the Commissioner and adjust such salary as it may deem necessary. Any proposal to adjust the salary of the Commissioner, including the time the Board will consider such proposal, shall be made public at an official meeting of the Board. The public notice of such proposed action and amount must be given at least 30 days prior to the date that the Board shall consider such action on the proposal shall be taken at the next regularly scheduled meeting of the Board. O.C.G.A. § 45-7-7.]

ARTICLE VI

MEETINGS

SECTION 1. Regular Meetings. The Board shall meet bi-monthly ~~in Atlanta~~ unless otherwise determined and publicly announced by the Board, in conformance with the provisions of the "Open Meetings Act." [Reference O.C.G.A. § 50-14-1 et seq.]

SECTION 2. Special Meetings. Special meetings of the Board may be called for any purpose by the Chair, or the Vice-Chair in the event of the Chair's disability, or the Executive Committee, or any three (3) members of the Board, by request in writing to the Commissioner. In the event of such request, the Commissioner shall give the Board members notice, to be received 48 hours prior to the special meeting, by the most expedient means of the scheduled time and place of the special meeting and shall state the purpose of the meeting in the call. Public notice of the meeting shall be provided in accordance with the "Open Meetings Act." [Reference O.C.G.A. § 50-14-1 et seq.]

SECTION 3. Quorum. A quorum shall be determined based on the current or filled positions on the Board. The quorum shall be more than one-half of the filled positions (membership) on the Board. The action of a majority of a quorum present at any meeting shall be the action of the Board, except as otherwise provided in these By-Laws.

SECTION 4. Parliamentary Authority. The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the Constitution or laws of Georgia, these By- Laws and any special rule which the Board may adopt.

The Board may appoint a parliamentarian for the Board.

SECTION 5. Conference Telephone Calls. In the event of special circumstances, business may be conducted by telephonic means, provided that a quorum of the membership participates. The conduct of business through conference telephone calls shall be in conformance with the "Open Meetings Act," and opinion of the Attorney General No. 85-26. [Reference O.C.G.A. § S0-14-1 et seq.]

SECTION 6. Rescheduling, Relocating, Canceling, Closing Meetings. When it is determined necessary by the Board to reschedule, relocate, cancel or close a meeting to the public such action shall be in conformance with pertinent provisions of the "Open Meetings Act." [Reference O.C.G.A. § 50-14-1 et seq.]

SECTION 7. Records. A record shall be made and maintained of all meetings of the Board, standing and special committees of the Board, and conference telephone calls of the Board. Such record shall conform to the requirements of the "Open Records Act." [Reference O.C.G.A. § 50-18-70 et seq.]

ARTICLE VII

COMMITTEES

SECTION 1. Executive Committee. The Executive Committee shall be composed of the Chair, the Vice-Chair, the Secretary to make a three (3) person Executive Committee. The Executive Committee shall have general supervision of the affairs of the Board between its meetings, fix the time and place of meetings, make recommendations to the Board and perform such other duties as may be delegated to it by the Board. The Executive Committee may meet as often as it deems necessary, and its action shall be the action of the Board, subject to ratification by the Board at its next meeting.

SECTION 2. Other Committees. The Board or the Executive Committee shall create such standing or special committees as it deems necessary to more effectively conduct the business of the Board. The duties of these committees and terms of the members thereof shall be designated by the creating authority at the time of creation.

ARTICLE VIII

ADVISORY COUNCILS

SECTION 1. Appointments. Appointments to advisory councils created pursuant to specific statutes shall be in the manner prescribed by such statutes. When the appointment is to be made by the Department, the Commissioner shall be specifically authorized to make such appointments. When the appointment is to be made by the Board, the Commissioner shall make or cause to be made recommendations to the Executive Committee of the Board which shall be authorized to make such appointments for the Board.

SECTION 2. Advice to the Board. Councils created by specific statutes or by Executive order of the Governor and whose purpose includes providing advice to the Department and the Board shall be given opportunity to present recommendations to the appropriate standing committee of the Board.

ARTICLE IX

ANNUAL REPORTS TO THE BOARD

SECTION 1. Annual Reports. The Board shall be given annual program reports as required by law.

ARTICLE X AMENDMENT

TO BY-LAWS

SECTION 1. Amendment. These By-Laws can be amended by a submission in writing at any meeting of the Board by a two-thirds vote. ~~provided that the amendment was submitted in writing to the Board at the immediately preceding meeting.~~

SECTION 2. Effective date. Amendments shall be effective immediately upon the adoption unless a specific effective date is specified in the motion to adopt.

_____ _____

Effective Date Chair, Board of Human Services