

# SB 355 - Clayton Collaborative Auth. - create

## First Reader Summary

A bill to create the Clayton Collaborative Authority; to declare the need for the authority; to declare the purposes and objectives of the authority; to provide for the powers of the authority; to provide for the membership of the authority; to provide for the terms of office of the authority members; to provide for the election of officers, quorum, bylaws, procedures, and meetings; to provide for compensation of members.

<a href="#">Starr, Terrell (44th)</a>	<a href="#">Glanton, Pam (34th)</a>			
<a href="#">Status Summary</a>	HC: <a href="#">LLeg</a>	SC: <a href="#">SLGO</a>	LA: 04/04/97	Signed by Governor

SENATE BILL 355

By: Senators Starr of the 44th and Glanton of the 34th

### A BILL TO BE ENTITLED AN ACT

1- 1 An Act to create the Clayton Collaborative Authority; to  
1- 2 declare the need for the authority; to declare the purposes  
1- 3 and objectives of the authority; to provide for the powers  
1- 4 of the authority; to provide for the membership of the  
1- 5 authority; to provide for the terms of office of the  
1- 6 authority members; to provide for the election of officers,  
1- 7 quorum, bylaws, procedures, and meetings; to provide for  
1- 8 compensation of members; to provide for filling of  
1- 9 vacancies; to provide for removal of members; to provide for  
1-10 the appointment and compensation of an executive director  
1-11 and for other administrative officers and employees of the  
1-12 authority; to provide that no member or officer or employee  
1-13 of the authority shall have any financial dealings with the  
1-14 authority; to provide that any member or officer or employee  
1-15 having financial dealings with the authority shall be  
1-16 subject to removal; to provide for the execution of  
1-17 contracts, leases, and other legal documents; to provide for  
1-18 the location of the authority; to provide that the property  
1-19 of the authority shall be deemed to be public property; to  
1-20 provide that the funds of the authority shall be used only  
1-21 for purposes consistent with the purposes of this Act; to  
1-22 provide for immunity from liability; to provide for rights  
1-23 of personnel; to provide for dissolution; to provide for  
1-24 service of process; to provide for severability; to repeal  
1-25 conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1-27 SECTION 1.  
1-28 Creation of authority.

1-29 There is created the Clayton Collaborative Authority,  
1-30 referred to in this Act as the "authority." The authority  
1-31 shall be an instrumentality and political subdivision of the  
1-32 State of Georgia.

2- 1

SECTION 2.

2- 2 As used in this Act, the term:

2- 3 (1) "Authority" means the Clayton Collaborative  
2- 4 Authority created by this Act.

2- 5 (2) "Council" means the Georgia Policy Council for  
2- 6 Children and Families created by Code Section 49-5-253  
2- 7 of the O.C.G.A.

2- 8 (3) "County" means Clayton County.

2- 9

SECTION 3.

2-10

Determination of need for the authority.

2-11 It is determined and declared that Georgia cannot afford the  
2-12 staggering human and financial costs associated with teenage  
2-13 pregnancies, child abuse and neglect, juvenile crime, low  
2-14 birth weight babies, and poor school performance. There is  
2-15 the need for organizations such as this authority to  
2-16 coordinate with the state to achieve the best possible  
2-17 outcomes of the state's initiatives, to respond to the  
2-18 public's demand for successful results, to increase the  
2-19 authority and responsibility of the Clayton County  
2-20 community, to streamline the county government for its  
2-21 citizens, to optimize current financial resources, to create  
2-22 a single point of accountability, and to inject sound  
2-23 business principles into governmental practice. It is  
2-24 further determined and declared that the establishment of an  
2-25 authority is necessary and essential to insure the welfare,  
2-26 safety, and convenience of citizens of the county.

2-27

SECTION 4.

2-28

Declaration of goals.

2-29 The authority seeks to achieve the following important goals  
2-30 for the benefit of children and families in the county:  
2-31 improved child health, improved child development, improved  
2-32 family functioning, improved school performance, and  
2-33 improved family economic capacity.

2-34

SECTION 5.

2-35

Declaration of purposes.

2-36 The authority shall be organized and at all times thereafter  
2-37 operated exclusively for public charitable uses and purposes  
2-38 within the meaning of Section 501(c)(3) of the Internal  
2-39 Revenue Code. Those purposes shall include, without  
2-40 limitation, the following:

3- 1 (1) To achieve a core set of results for children and  
3- 2 families defined jointly by the authority and the  
3- 3 council;

3- 4 (2) To develop, adopt, submit to the council for  
3- 5 approval, and from time to time amend a comprehensive  
3- 6 plan for public and private agencies to deal effectively

3- 7 with the problems of children, youth, and families in  
3- 8 the county in order to achieve the goals and objectives  
3- 9 described in the bylaws of the authority and in Code  
3-10 Section 49-5-251 of the O.C.G.A.;

3-11 (3) To coordinate, evaluate, and provide services and  
3-12 assistance in implementing and carrying out the  
3-13 comprehensive plan developed by the authority under  
3-14 paragraph (2) of this section; and

3-15 (4) To contract with public and private agencies for the  
3-16 charitable purposes described in the articles of  
3-17 incorporation of the authority and these bylaws and for  
3-18 such public and private agencies to provide programs and  
3-19 services for children, youth, and families in order to  
3-20 carry out the provisions of the comprehensive plan  
3-21 developed by the authority.

3-22 SECTION 6.  
3-23 Declaration of powers.

3-24 In furtherance of its charitable goals and purposes as a  
3-25 community partnership organization, the authority shall have  
3-26 full power and authority:

3-27 (1) To have an authority seal and alter the same at its  
3-28 pleasure;

3-29 (2) To acquire, hold, and dispose of in its own name by  
3-30 purchase, gift, lease, or exchange, on such terms and  
3-31 conditions and in such manner and by such instrument as  
3-32 it may deem proper, real and personal property of every  
3-33 kind, character, and description; provided, however,  
3-34 that the authority shall not have the power to acquire  
3-35 any real or personal property by condemnation or eminent  
3-36 domain;

3-37 (3) To procure insurance against any loss in connection  
3-38 with its property and other assets of the authority;

3-39 (4) To make contracts and to execute all instruments  
3-40 necessary or convenient in connection therewith;

4- 1 (5) To adopt, alter, or repeal its own bylaws, rules,  
4- 2 and regulations governing the manner in which its  
4- 3 business may be transacted and in which the power  
4- 4 granted to it may be enjoyed, as the authority may deem  
4- 5 necessary or expedient in facilitating its business;

4- 6 (6) To receive, accept, and utilize gifts, grants,  
4- 7 donations, or contributions of money, property,  
4- 8 facilities, or services, with or without consideration,  
4- 9 from any person, firm, corporation, foundation, or other  
4-10 entity or from the state or any agency, instrumentality,  
4-11 or political subdivision thereof or from the United  
4-12 States or any agency or instrumentality thereof;

4-13 (7) To select, appoint, and employ professional,  
4-14 administrative, clerical, or other personnel and to

4-15 contract for professional or other services and to allow  
4-16 suitable compensation for such personnel and services;

4-17 (8) To make distributions to organizations that qualify  
4-18 as exempt organizations under Section 501(c)(3) of the  
4-19 Internal Revenue Code;

4-20 (9) To make distributions for other charitable purposes;  
4-21 provided, however, that the provisions of this paragraph  
4-22 and paragraph (8) of this section shall be subject to  
4-23 the provisions of Article III, Section VI, Paragraph VI  
4-24 of the Georgia Constitution relating to the granting of  
4-25 gratuities;

4-26 (10) To distribute property exclusively for charitable  
4-27 purposes in accordance with the terms of gifts,  
4-28 bequests, or devises to the authority not inconsistent  
4-29 with its purposes, as set forth in this Act or in  
4-30 accordance with determinations made by the board of  
4-31 trustees pursuant to this Act and bylaws of the  
4-32 authority;

4-33 (11) To provide any and all services for children,  
4-34 youth, and families on behalf of public or private  
4-35 agencies as may be reasonably necessary or desirable to  
4-36 carry out effectively programs and services called for  
4-37 by the comprehensive plan developed by the authority  
4-38 under Article 12 of Chapter 5 of Title 49 of the  
4-39 O.C.G.A., the "Georgia Policy Council for Children and  
4-40 Families Act";

4-41 (12) To do all things necessary or convenient to carry  
4-42 out the powers and purposes of the authority which are  
5- 1 expressly provided for in Article 12 of Chapter 5 of  
5- 2 Title 49 of the O.C.G.A., the "Georgia Policy Council  
5- 3 for Children and Families Act"; and

5- 4 (13) To perform all other acts necessary or incidental  
5- 5 to the acts specified in this section and to do whatever  
5- 6 is deemed necessary, useful, advisable, or conducive,  
5- 7 directly or indirectly, as determined by the board of  
5- 8 trustees, to achieve the goals of the authority and to  
5- 9 carry out any of its purposes, as set forth in this Act  
5-10 and the bylaws, including the exercise of all other  
5-11 power and authority enjoyed by community partnership  
5-12 organizations under Article 12 of Chapter 5 of Title 49  
5-13 of the O.C.G.A., the "Georgia Policy Council for  
5-14 Children and Families Act," and by corporations  
5-15 generally by virtue of the provisions of Chapter 3 of  
5-16 Title 14 of the O.C.G.A., the "Georgia Nonprofit  
5-17 Corporation Code," subject to the limitations of Section  
5-18 501(c)(3) of the Internal Revenue Code. The authority  
5-19 shall not be limited in its capacity of service to  
5-20 children and families in Clayton County, but shall have  
5-21 full power and authority to engage in charitable  
5-22 programs and activities on behalf and for the benefit of  
5-23 such children and families. The authority shall serve  
5-24 only such purposes and functions and shall engage only  
5-25 in such activities as are consistent with the purposes  
5-26 set forth in this Act and as are exclusively charitable

5-27 and entitled to charitable status under Section  
5-28 501(c)(3) of the Internal Revenue Code.

5-29 SECTION 7.  
5-30 Members of the authority.

5-31 The authority shall be composed of not less than 21 members  
5-32 nor more than 30 members consisting of the initial board of  
5-33 trustees of the authority, who shall be referred to as  
5-34 "designated members," and members appointed by the  
5-35 designated members. The designated members shall be those  
5-36 persons or their respective representatives holding the  
5-37 following positions: Clayton County School Superintendent,  
5-38 director of the Clayton County School District, president of  
5-39 the Clayton County Department of Family & Children Services,  
5-40 chief executive officer or president of Clayton College and  
5-41 State University, chief executive officer of the Southern  
5-42 Regional Medical Center, Inc., Presiding Judge of the  
5-43 Clayton County Juvenile Court, director of the Clayton  
5-44 County Juvenile Court, president of the Clayton County  
6- 1 Health Department, executive director of the Clayton County  
6- 2 Chamber of Commerce, extension director of the Clayton  
6- 3 County United Way, executive director of the Clayton County  
6- 4 Extension Service, chairperson of the Clayton County  
6- 5 Community Service Authority, executive director and  
6- 6 chairperson of the Clayton County Board of Commissioners,  
6- 7 and director of the Clayton Community Foundation. In making  
6- 8 appointments to the authority, the board of trustees shall  
6- 9 ensure that appointments reflect the cultural and social  
6-10 characteristics including gender, race, ethnic, and age  
6-11 characteristics of the population of the county. The board  
6-12 of trustees shall also include consumers who are natural  
6-13 persons receiving services or who have a spouse or child  
6-14 receiving services as contemplated in this Act. Consumers  
6-15 shall make up not less than one-third of the membership of  
6-16 the board of trustees. The make-up of the designated members  
6-17 may be altered and the number of members of the board of  
6-18 trustees may increase or decrease by duly adopted resolution  
6-19 of the board of trustees.

6-20 SECTION 8.  
6-21 Terms of appointment.

6-22 Not less than one-half of the members appointed by the  
6-23 designated members shall be appointed for initial terms  
6-24 ending on December 31, 1998, and the remaining members  
6-25 appointed by the designated members shall be appointed for  
6-26 initial terms ending on December 31, 2000. Thereafter, all  
6-27 members appointed by the designated members shall be  
6-28 appointed for a term of four years each and shall serve  
6-29 until their successors are authorized to take their  
6-30 membership positions on the authority.

6-31 SECTION 9.  
6-32 Compensation of members.

6-33 The members shall receive no compensation but shall be  
6-34 reimbursed from the funds of the authority for reasonable  
6-35 and necessary expenses incurred in pursuing the business of  
6-36 the authority.

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SECTION 10.  
Vacancies in authority.

6-39 Should an appointed member vacate his or her office either  
6-40 by resignation, death, removal as provided in Section 11 of  
6-41 this Act, or for any other reason, the remaining members  
6-42 shall, as soon as practicable thereafter, appoint another  
6-43 person as a member of the authority to complete the term of  
7- 1 the vacating member. Until such time as a new member is  
7- 2 appointed, the total number of members of the authority for  
7- 3 the purposes of determining a quorum shall not include the  
7- 4 vacating member.

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SECTION 11.  
Removal of members.

7- 7 Any member may be removed from office for good cause  
7- 8 affecting his or her ability to perform his or her duties as  
7- 9 a member, for misfeasance, malfeasance, or nonfeasance in  
7-10 office, or for violating the conflicts of interest  
7-11 provisions of this Act by vote of a majority of the board of  
7-12 trustees, but only after a public hearing at which such  
7-13 member is given the right to present evidence on his or her  
7-14 own behalf and only upon a finding by a majority of the  
7-15 board of trustees that good cause for removal affecting the  
7-16 member's ability to perform his or her duties as a member  
7-17 exists, that he or she was guilty of misfeasance,  
7-18 malfeasance or nonfeasance in office, or that he or she  
7-19 violated the conflicts of interest provisions of this Act.

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SECTION 12.  
Election of officers, quorum, bylaws,  
procedures, and meetings.

7-23 After the appointment of all members as provided in Section  
7-24 7 of this Act, the full membership of the authority shall  
7-25 meet as soon as practicable and shall elect one of its  
7-26 members as chairperson and one as vice chairperson, each of  
7-27 whom shall continue as voting members in such positions for  
7-28 the succeeding year and until their successors are elected.  
7-29 Thereafter, a chairperson and vice chairperson shall be  
7-30 elected in the same manner each year to serve for the  
7-31 succeeding year and until their successors are elected. The  
7-32 chairperson shall preside at meetings of the authority and  
7-33 the vice chairperson shall preside in his or her absence,  
7-34 and they shall have such other powers, duties, and  
7-35 responsibilities as are set out elsewhere in this Act and in  
7-36 the bylaws of the authority. The authority shall also  
7-37 designate a secretary to keep the minutes and records of the  
7-38 authority. A majority of the members of the authority shall  
7-39 constitute a quorum. A majority of the quorum may exercise  
7-40 any and all powers of the authority. The authority shall,  
7-41 as soon as practicable, adopt its own bylaws, rules of  
7-42 procedure, and rules of conduct of its business. The  
7-43 authority shall meet at least once a month and at such other  
7-44 times as it may deem necessary.

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SECTION 13.  
Parliamentary authority.

8- 3 Robert's Rules of Order, Revised shall constitute the ruling  
8- 4 authority in all cases where such authority is not  
8- 5 inconsistent with provisions of this Act, the bylaws of the  
8- 6 authority, or laws of the state.

8- 7 SECTION 14.  
8- 8 Executive director and other administrative  
8- 9 officers and employees.

8-10 The authority may appoint and fix the compensation of an  
8-11 executive director under such terms and conditions as it  
8-12 deems appropriate. The executive director shall be the  
8-13 chief executive and operating officer of the authority. The  
8-14 executive director shall have had experience as a business  
8-15 executive, preferably in connection with the social  
8-16 services. Under the supervision of the authority, the  
8-17 executive director shall be responsible for the operation,  
8-18 management, and promotion of all activities with which the  
8-19 authority is charged under this Act, together with such  
8-20 other duties as may be prescribed by the authority, and  
8-21 shall have such powers as are necessarily incident to the  
8-22 performance of the director's duties and such others as may  
8-23 be granted by the authority. Additionally, the authority  
8-24 may in a like manner appoint and fix the compensation of  
8-25 such other administrative officers and employees under such  
8-26 terms and conditions as it shall consider necessary and  
8-27 appropriate to effectuate its purposes under this Act.

8-28 SECTION 15.  
8-29 Advisory committee.

8-30 An advisory committee shall be created and members thereof  
8-31 appointed by the board of trustees. The purpose of the  
8-32 advisory committee shall be to raise public awareness and  
8-33 otherwise involve the community in activities of the  
8-34 authority as more fully set forth in the bylaws of the  
8-35 authority. The advisory committee may adopt bylaws as  
8-36 approved by the board of trustees for the purpose of  
8-37 carrying out the directions of the board of trustees.

8-38 SECTION 16.  
8-39 Conflicts of interest.

8-40 No member of the authority or officer or employee thereof  
8-41 shall have a personal financial interest, direct or  
8-42 indirect, in any contract with the authority, or be  
9- 1 financially interested, directly or indirectly, in the sale  
9- 2 to the authority of any lands, material, supplies, or  
9- 3 services except on behalf of the authority as a member,  
9- 4 officer, or employee thereof. Any violation of this  
9- 5 provision by a member of the authority shall be grounds for  
9- 6 removal pursuant to Section 11 of this Act. Any violation  
9- 7 of this provision by the executive director or any officer  
9- 8 or employee of the authority shall be grounds for removal by  
9- 9 the authority.

9-10 SECTION 17.  
9-11 Execution of contracts, leases, and other legal instruments.

9-12 Any and all contracts, leases, obligations, agreements, and

9-13 other legal instruments of the authority shall be approved  
9-14 by resolution of the authority and shall be executed by  
9-15 those individuals designated in such resolution, and in the  
9-16 absence of such designation by the chairperson or vice  
9-17 chairperson. Nothing in this section shall prohibit general  
9-18 resolutions authorizing the executive director or other  
9-19 officers, agents, or employees to execute such contracts,  
9-20 leases, or other legal documents as the authority may  
9-21 prescribe; provided, however, that all such contracts,  
9-22 leases, obligations, agreements, and other legal instruments  
9-23 shall be approved by the board of trustees.

9-24 SECTION 18.

9-25 Property of authority deemed to be public property.

9-26 It is declared that all property of the authority held  
9-27 pursuant to the terms of this Act, whether real or personal,  
9-28 tangible or intangible, and of any kind or nature and any  
9-29 income or revenue therefrom, is held for an essential public  
9-30 and governmental purpose, and all such property is deemed to  
9-31 be public property.

9-32 SECTION 19.

9-33 Funds of authority.

9-34 The funds of the authority, from whatever source, shall be  
9-35 used only in support of the goals and purposes as set forth  
9-36 in this Act; provided, however, that nothing in this  
9-37 section shall prohibit the authority from making any and all  
9-38 expenditures of any kind or nature necessary to support the  
9-39 goals and purposes as set forth in this Act.

10- 1 SECTION 20.

10- 2 Immunity from liability.

10- 3 To the extent the law allows, the authority shall have the  
10- 4 same immunity and exemption from liability from torts and  
10- 5 negligence as the state and the county, and members,  
10- 6 officers, agents, and employees of the authority who are in  
10- 7 performance of the work of the authority shall have the same  
10- 8 immunity and exemption from liability from torts and  
10- 9 negligence as the officers, agents, and employees of the  
10-10 state and the county when in performance of their public  
10-11 duties or work of the state or the county.

10-12 SECTION 21.

10-13 Rights of personnel.

10-14 All rights, credits, and funds in any retirement system of  
10-15 the county which are possessed by any personnel of the  
10-16 authority at the time of employment by the authority are  
10-17 continued, subject to approval of the Clayton County Board  
10-18 of Commissioners, and it is the intent of this Act that any  
10-19 such employees and personnel shall not lose rights, credits,  
10-20 or funds to which they were entitled prior to being employed  
10-21 by the authority.

10-22 SECTION 22.

10-23 Dissolution of authority.

10-24 In the event of dissolution of the authority, all property,  
10-25 real and personal, tangible and intangible, shall revert to,  
10-26 and be the property of the county, subject, however, to all  
10-27 rights and encumbrances thereon. The county, by acceptance  
10-28 thereof, shall fulfill all obligations of the authority.

10-29 SECTION 23.

10-30 Principal office of authority; service of process.

10-31 The principal office of the authority shall be in Clayton  
10-32 County. Service of process on the authority may be  
10-33 effectuated upon the executive director or other officers of  
10-34 the authority as in the case of private corporations  
10-35 incorporated or domesticated under the laws of this state.

10-36 SECTION 24.

10-37 Severability; should any portion of Act be held invalid.

10-38 The terms and provisions of this Act are severable. Should  
10-39 any section, subdivision, sentence, clause, or phrase of  
10-40 this Act, or the application thereof to any person or  
10-41 circumstances, for any reason be held by a court of  
11- 1 competent jurisdiction to be invalid or void, the validity  
11- 2 of the remainder of this Act, or the application of such  
11- 3 provision to other persons or circumstances, shall not be  
11- 4 affected thereby to the extent that any remaining portion of  
11- 5 the Act may reasonably be given effect without the invalid  
11- 6 or void portion.

11- 7 SECTION 25.

11- 8 Cumulative with nonconflicting existing laws.

11- 9 This Act shall not be construed so as to repeal any laws or  
11-10 parts thereof not directly in conflict with this Act, and  
11-11 the provisions of this Act shall be cumulative with existing  
11-12 laws on the subject or existing laws which authorize the  
11-13 doing of things authorized by this Act unless they are in  
11-14 direct conflict with this Act.

11-15 SECTION 26.

11-16 General repealer.

11-17 All laws and parts of laws in conflict with this Act are  
11-18 repealed.