

ORD - 27404

1 AN ORDINANCE TO RATIFY RECENT
2 AMENDMENTS TO THE BYLAWS OF THE
3 COMMUNITY SERVICES BOARD

4 WHEREAS, the Community Services Board recently completed
5 a comprehensive review of its bylaws;

6 WHEREAS, after considering the proposed changes, the
7 Board, at a meeting conducted on December 19, 2002, approved a
8 series of amendments to its bylaws;

9 WHEREAS, Article XII of the Board's bylaws provides that
10 amendments to the bylaws must be reviewed and ratified by City
11 Council; and

12 WHEREAS, City Council has reviewed the recommended
13 amendments to the bylaws of the Community Services Board and finds
14 them to be acceptable.

15 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
16 OF VIRGINIA BEACH, VIRGINIA:

17 That City Council hereby ratifies the amendments to the
18 bylaws of the Community Services Board, as approved by the Board,
19 and attached hereto as Exhibit "A".

20 Adopted by the Council of the City of Virginia Beach,
21 Virginia, on the 8th day of April, 2003.

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R-1 - March 27, 2003

APPROVED AS TO CONTENT:


Community Services Board

APPROVED AS TO LEGAL SUFFICIENCY:


Law Department

EXHIBIT A

As Approved at December 19, 2002 CSB Meeting

BY - LAWS

Virginia Beach Community Services Board

ARTICLE I - NAME

The name of this Board shall be the Virginia Beach Community Services Board, hereinafter referred to as the "Board."

ARTICLE II - PURPOSE

The purpose of this Board shall be to act as the agent of the City of Virginia Beach, Virginia in the establishment and operation of Community Mental Health, Mental Retardation and Substance Abuse programs as provided for in Chapters 10 and 11 of Title 37.1 of the Code of Virginia.

ARTICLE III - MEMBERSHIP

Section 1. The membership of the Board shall consist of not less than six nor more than eighteen persons approved and appointed by the City Council of the City of Virginia Beach, Virginia, hereinafter referred to as the "City Council". The membership shall be as broadly representative as possible of all lay and professional elements 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. Members shall be appointed in accordance with Section 37.1-195 of Chapter 10 of Title 37.1 of the Code of Virginia.

Section 2. Vacancies shall be filled for unexpired terms in the same manner as original appointments. No person shall be eligible to serve more than two successive terms; provided that persons appointed to fill vacancies may serve two additional successive terms. No person shall be eligible to serve more than three full three-year terms. Any member of the Board may be removed by City Council for cause, after being given a written statement of the cause and an opportunity to be heard thereon.

ARTICLE IV - POWERS AND DUTIES

The Board, as an administrative policy board and agent, of the City of Virginia Beach shall be subject to the laws and regulations relating to such agencies of that government and shall have the general powers, duties and responsibilities of a Board as outlined in Title 37.1 of the Code of Virginia. Such powers and duties shall be:

(a) Review and evaluate all existing and proposed public community mental health, mental retardation and substance abuse services and facilities available to serve the community and such private services and facilities as receive funds through the Board and advise the City Council as to its findings.

(b) Submit to the City Council a program of community mental health, mental retardation and substance abuse services and facilities for its approval.

(c) Within amounts appropriated therefor, execute such programs and maintain such services as may be authorized under such appropriations.

(d) In accordance with its approved program, enter into contracts for rendition or operation of services or facilities.

(e) Make rules or regulations concerning the rendition or operation of services and facilities under its direction or supervision, subject to applicable local, state and/or federal standards or regulations.

(f) Participate with the City in the appointment of an executive director of community mental health, mental retardation and substance abuse services and prescribe said executive director's duties, according to minimum qualifications established by the Department of Mental Health, Mental Retardation and Substance Abuse Services, hereinafter referred to as the "DMHMRSAS". The compensation of the executive director shall be fixed by the City in consultation with the Board within the amounts made available by appropriation therefor. The Board shall participate with the City in conducting an annual performance evaluation of its executive director.

(g) Prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the Board and collection of the same; provided, however, that all fees collected from Board administered programs shall be deposited with the treasurer, City of Virginia Beach provided, further, that such collected fees shall be used only for community mental health, mental retardation and substance abuse purposes. The Board shall institute a reimbursement system to maximize the collection of fees from persons receiving services under the jurisdiction or supervision of the Board and from responsible third-party payors.

(h) Seek and accept funds through grants or foundations; provided, however, in accepting such grants, the Board shall not bind the City of Virginia Beach to any expenditures or conditions of acceptance without the prior approval of the City Council.

(i) Have authority, notwithstanding any provision of law to the contrary, to disburse funds appropriated to it in accordance with such regulations as may be established by the City Council.

(j) Apply for and accept loans as authorized by the City Council.

(k) Accept or refuse gifts, donations, bequests, or grants of money or property or other assistance from any source, public or private; utilize the same to carry out any of its purposes; and enter into any agreement or contract regarding or relating to the acceptance or use or repayment of the same as authorized by City Council.

(l) Develop joint annual written agreements consistent with policies and procedures established by the State Mental Health, Mental Retardation and Substance Abuse Services Board with local school divisions; health departments; departments of social services; housing agencies; sheriffs; area agencies on aging and regional departments of rehabilitative services. The agreements shall specify what services will be provided to consumers. All participating agencies shall develop and implement the agreements and shall review the agreements annually.

(m) Be responsible for carrying out other duties as enumerated in Section 37.1-197 of the Code of Virginia.

ARTICLE V - APPROVAL OF PROPOSED PERFORMANCE CONTRACT

Under Section 37.1-198 of the Code of Virginia, the City of Virginia Beach, having established the Board and authorized it to administer the City's mental health, mental retardation and substance abuse services programs, may apply for State assistance by submitting annually to the DMHMRSAS the City's mental health, mental retardation or substance abuse proposed performance contract for the next fiscal year together with the Board's recommendations thereon. This document will be available for public review and public comment for a period of thirty days prior to submitting it for the recommendations of City Council.

ARTICLE VI - OFFICERS OF THE BOARD AND THEIR DUTIES

Section 1. The officers of the Board shall consist of a Chair, Vice-Chair, Secretary and Treasurer who shall be elected at the December meeting of the Board and shall serve at the pleasure of the Board, beginning on January 1 of the following year.

Section 2. The duties of the Chair shall be:

(a) To preside at all meetings of the full Board and Executive Committee, which is composed of officers of the Board. ~~and Chairs of the three disability program committees:~~

(b) To appoint all committees (excluding the Nominating Committee, which is appointed by the Board) deemed necessary for the operation of the Board. The Finance Committee members will be appointed by the Chair in consultation with the Treasurer.

(c) To work closely with the Executive Director of the Community Services Board and the City Manager.

(d) To perform any other duties determined by the Board.

(e) To ensure that all federal, state and local governments are informed as to the activities of the Board as requested.

Section 3. The Vice-Chair shall, in the absence of the Chair, perform the duties of the Chair and any other duties assigned by the Board or the Chair.

Section 4. The Secretary shall ensure that accurate records of all meetings of the Board and Executive Committee are maintained. Upon conclusion of an Executive Session, the Secretary shall certify that business was conducted in accordance with the motion and shall record an individual voice vote of all Board members present. The Secretary shall perform the duties of the Chair in the absence of the Chair and the Vice-Chair.

Section 5. The Treasurer shall serve as Chair of the Finance Committee. The Treasurer shall perform the duties of the Chair in the absence of the Chair, Vice-Chair and Secretary. The Treasurer shall serve as the liaison of the Board regarding financial matters.

ARTICLE VII - NOMINATIONS, ELECTIONS AND TERMS OF OFFICE

Section 1. The Board shall elect its officers at the December meeting of each year, who shall begin their duties on January 1 of the following year. A Nominating Committee shall be appointed by the Board at its October meeting and shall bring forth a slate of officers at its November meeting.

Section 2. The term of office shall be for one year commencing on the first day of the calendar year or until a successor is elected. No officer may serve more than three consecutive terms in the same office. The election shall be by ballot if there is more than one nominee for the same office. A quorum must be present and voting in order to constitute an election.

Section 3. Any vacancy occurring in the officers of the Board shall be filled by the Board within 60 days of the vacancy. Duration of such appointments shall be limited to the unexpired term of office.

ARTICLE VIII - MEETINGS

Section 1. The regular monthly meetings shall be held at a time and place to be determined by the Board. If the Board chooses to cancel a regular monthly meeting, a formal vote will be taken and adequate public notice will be given.

Section 2. Special meetings of the Board may be called by the Chair or upon written request of three members.

Section 3. The quorum for all Board meetings shall be the majority of the total appointed Board members.

ARTICLE IX - STANDING COMMITTEES

There shall be an Executive Committee, ***Finance Committee*** and other committees as appointed by the Chair in accordance with Article VI, Section 2-b.

4. PROGRAM COMMITTEES

~~These committees shall make recommendations to the Board regarding, but not limited to, populations to be served, needs assessment, planning and implementation of services, assurance of standards conformance, evaluation of programs and services, waiting lists, grant submissions, comprehensive plan, performance contract, and consumer feedback:~~

- ~~a. Mental Health~~
- ~~b. Mental Retardation~~
- ~~c. Substance Abuse~~

2: 1. EXECUTIVE COMMITTEE

This Committee's duties include but are not limited to the following:

- a. Establishing Board agenda
- b. Acting on the Board's behalf when directed to do so
- c. Providing a report of recommendations of the Committee to the Board
- d. Preparation of Policy guidance regarding Board member education and training in order to enhance duties and responsibilities.**

3: 2. FINANCE

This Committee's duties include but are not limited to the following:

- a. Participating in the annual fiscal review of all programs directly or contractually operated by the Board.
- b. Reviewing policies related to the fiscal division of the Board, and which also directly affect contractual programs of the Board
- c. Advising the Board, as required, on all matters of a fiscal nature which affect directly and contractually operated programs
- d. Providing a report of recommendations of the Committee to the Board

4. COMMUNITY RELATIONS

~~This Committee's duties include but are not limited to the following:~~

- ~~a. Coordinating legislative presentations on behalf of the Board~~
- ~~b. Promoting, through a program of public awareness, the services offered to the community.~~
- ~~c. Providing a report of recommendations of the Committee to the Board.~~

5. BOARD DEVELOPMENT

~~This Committee's duties include but are not limited to the following:~~

- ~~a. Preparation of policy guidance regarding Board member education and training in order to enhance duties and responsibilities~~
- ~~b. Providing a report of recommendations of the Committee to the Board~~

ARTICLE X - OPERATING PROCEDURES

The Board, in carrying out its powers and duties in accordance with Article IV of these By-Laws, shall utilize the following operating procedures:

- a. All employees of directly operated programs shall be subject to the personnel policies and procedures of the City of Virginia Beach. Additionally, the Board hereby adopts the City of Virginia Beach's grievance procedure.
- b. Pursuant to Section 37.1-195 of the Code of Virginia, legal services to the Board shall be provided by the City Attorney.
- c. The City Treasurer shall receive those funds designated to the Board.
- d. The City of Virginia Beach Director of Finance shall serve as the Board's fiscal agent. The City of Virginia Beach shall receive an independent annual audit of the total revenues, expenditures and data of the Board and its programs.
- e. The Board shall comply with the City of Virginia Beach policies and procedures for purchasing equipment and supplies.
- f. The Board may, following review by the City of Virginia Beach Director of Finance as to availability of funds and the City Attorney as to appropriate legal form, enter into such agreements and contracts as are necessary to carry out its approved program.
- g. The Board shall be authorized to revise its budget categories to meet program needs as provided in the budget ordinance of the City of Virginia Beach. When a budget revision is necessary, the Board Executive Director shall submit the request in writing to the City Finance Department prior to Board consideration

of the proposed change. The Finance Department will review the request for conformance to the City's fiscal rules, regulations and budget ordinance and will notify the Executive Director that the request is in compliance with these rules and regulations or, if not, why not and what procedures need to be followed to achieve compliance.

h. The Board shall be authorized to allocate all agency revenues in accordance with DMHMRSAS guidelines and in compliance with the policies of the City of Virginia Beach.

ARTICLE XI

Roberts Rules of Order, Newly revised, shall govern the conduct of all Board proceedings unless inconsistent with these By-Laws in which case these By-Laws shall govern.

ARTICLE XII

The By-Laws may be amended at any regular meeting of the Board by two-thirds vote of the membership, notice having been submitted to each Board member in writing two weeks prior to the meeting. Such amendments shall then be reviewed and ratified by the City Council.

Amendments Chronology:

Adopted at a regular meeting of the Board by a vote of 8 in favor of to 0 not in favor. Date: January 22, 1981
Ratified amendment by Virginia Beach City Council on March 23, 1981.

Amended at a regular meeting of the Board by a vote of 12 in favor of to 1 not in favor. Date: December 12, 1985
Virginia Beach City Council deferred indefinitely an ordinance to amend By-Laws January 27, 1986.

Amended at a regular meeting of the Board by a vote of 8 in favor of to 1 not in favor. Date: August 24, 1989
Board deferred making any changes and tabled any further action.

Amended at a regular meeting of the Board by a majority. Date: October 23, 1997
Ratified amendment by City Council on November 18, 1997.

Amended at a special meeting of the Board by a vote of 6 in favor of to 3 not in favor and (6 absent from vote) Date: June 10, 1998

Amendments ratified by City Council on July 7, 1998.

Amended at a regular meeting of the Board by a vote of 12 in favor of to 0 not in favor and (3 absent from vote) Date: December 19, 2002.