§ 833. Indigent legal services board. 1. There is hereby created the indigent legal services board hereinafter referred to in this section as the "board". The purpose of such board shall be to monitor, study and make efforts to improve the quality of services provided pursuant to article eighteen-B of the county law. No active prosecutor, law enforcement official or person providing prosecution-related services, or employee of such a prosecutor, official or person, shall be appointed to or serve on such board. The board shall consist of nine members who shall be appointed as follows:

(a) one shall be the chief judge of the court of appeals, who shall be the chair of the board;

(b) one shall be appointed by the governor on the recommendation of the temporary president of the senate;

(c) one shall be appointed by the governor on the recommendation of the speaker of the assembly;

(d) one shall be appointed by the governor from a list of at least three attorney nominees submitted by the New York state bar association;

(e) two shall be appointed by the governor from a list of at least four nominees submitted by the New York state association of counties;

(f) one shall be appointed by the governor and shall be an attorney who has provided public defense services for at least five years;

(g) one attorney who shall be appointed by the governor; and

(h) one shall be appointed by the governor, from a list of no more than two nominees submitted by the chief administrator of the courts, each of whom shall be a judge or justice, or retired judge or justice, who was elected to the supreme, county or family court, or appointed to the criminal court or family court in the city of New York, and has substantial experience presiding as such a judge or justice in trial matters before such court.

2. All members of the board shall be appointed for terms of three years such terms to commence on August first, and expire July thirty-first, provided, however, that the chief judge of the court of appeals shall serve ex officio; and provided further, that the initial term of the member appointed pursuant to paragraph (d), the first of the two members appointed pursuant to paragraph (e) and the member appointed under paragraph (g) of subdivision one of this section shall be for two

years. Initial appointments must be made within sixty days of the effective date of this subdivision. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he or she is to succeed. Vacancies caused by expiration of a term or otherwise shall be filled promptly and in the same manner as original appointments. Any member may be reappointed for additional terms.

A member of the board shall continue in such position upon the expiration of his or her term until such time as he or she is reappointed or his or her successor is appointed, as the case may be.

3. Membership on the board shall not constitute the holding of an office, and members of the board shall not be required to take and file oaths of office before serving on the board. The board shall not have the right to exercise any portion of the sovereign power of the state.

4. The board shall meet at least four times in each year. The first meeting of the board shall be held within thirty days of the appointment of the full board or within sixty days after the effective date of this subdivision, whichever occurs earlier. Special meetings may be called by the chair and shall be called by the chair upon the request of five members of the board. The board may establish its own procedures with respect to the conduct of its meetings and other affairs; provided, however, that the quorum and majority provisions of section forty-one of the general construction law shall govern all actions taken by the board.

5. The members of the board shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.

6. No member of the board shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office or employment, by reason of his or her appointment pursuant to this section, notwithstanding the provisions of any other general, special or local law, ordinance or city charter.

7. The board shall have the following duties and responsibilities:

(a) To evaluate existing indigent legal services programs and determine the type of indigent legal services that should be provided in New York state to best serve the interests of persons receiving such services;

(b) To consult with and advise the office of indigent legal services in carrying out the duties and responsibilities of such office;

(c) To accept, reject or modify recommendations made by the office of indigent legal services regarding the allocation of funds and the awarding of grants, including incentive grants, from the indigent legal services fund created pursuant to section ninety-eight-b of the state finance law. When acting on such a recommendation, the board shall set forth the basis for its determination; and

(d) To advise and to make an annual report to the governor, legislature and judiciary.