

Bylaws of the South Dakota Statewide Independent Living Council

(Approved on November 28, 2011)

INTRODUCTION

The philosophy of Independent Living is consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society.

ESTABLISHMENT – Sec. 705(a)

- To be eligible to receive financial assistance under Chapter 1, Title VII of the Rehabilitation Act as amended, each State shall establish a Statewide Independent Living Council (SILC) that meets the requirements of Section 705 of the Act.
- The SILC may not be established as an entity within a State agency, including the designated State agency.

State legal authority for establishment and administration of the SILC rests in Executive Order 93-6.

ARTICLE I – COUNCIL MEMBERSHIP

SECTION 1.1: COMPOSITION AND APPOINTMENT – Sec. 705(b)

A. APPOINTMENT

- Members of the SILC must be appointed by the Governor or the appropriate entity within the State. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

B. COMPOSITION

The SILC shall include:

- At least one director of a Center chosen by the directors of centers for independent living within the State;

- As ex-officio, non-voting members, a representative from the DSU and representatives from other State agencies that provide services to individuals with disabilities; and
- In a state in which 1 or more projects are carried out under section 121, at least one representative of the directors of the projects;

The SILC may include:

- Other representatives from centers for independent living;
- Parents and guardians of individuals with disabilities;
- Advocates of and for individuals with disabilities;
- Representatives from private businesses;
- Representatives from organizations that provide services for individuals with disabilities; and
- Other appropriate individuals.

The SILC shall be composed of members:

- Who provide statewide representation
- Who represent a board range of individuals with disabilities with diverse backgrounds;
- Who are knowledgeable about centers for independent living and independent living services; and
- A majority of whom are persons who are:
 - Individuals with disabilities described in section 7(20)(B); and
 - Not employed by any State agency or center for independent living.

A majority of the voting members of the SILC shall be:

- Individuals with disabilities described in section 7(20)(B); and
- Individuals not employed by any State agency or center for independent living.

SECTION 1.2: TERMS OF APPOINTMENT

Length of Term

Each member of the SILC shall serve for a term of 3 years, except that:

- A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and
- The terms of service of the members initially appointed shall be (as specified by the appointing authority described earlier for such fewer number of years as will provide for the expiration of terms on a staggered basis.

Number of Terms

No member of the SILC may serve more than two consecutive full terms.

Removal/Vacancies

A member may be removed by the Governor at any time. Any vacancy occurring in the membership of the SILC shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to executive the duties of the SILC.

SECTION 1.3: VOTING MEMBER RESPONSIBILITIES

It shall be the responsibility of members to:

1. Attend and participate in meetings of the Council;
2. Review all materials available in order to make informed decisions;
3. View their membership as representative of their constituents;
4. Serve on at least one committee;
5. Be responsible for knowing current Council policies and positions regarding issues of concern to people who wish to live independently in South Dakota and for knowing the independent living philosophy;
6. Advise staff about the implementation of Council objectives and activities and, as appropriate and feasible, participate.

ARTICLE II – DUTIES AND HEARINGS

SECTION 2.1: DUTIES – Sec. 705(c)

The SILC shall:

- Jointly develop and sign (in conjunction with the DSU) the State Plan;
- Monitor, review, and evaluate the implementation of the State Plan;
- Coordinate activities with the State Rehabilitation Advisory Council established under Section 105 of the Rehabilitation Act and councils that address the needs of specific disability populations and issues under other Federal laws;
- Ensure that all regularly scheduled meetings of the SILC are open to the public and sufficient advance notice is provided; and
- Submit to the Secretary (United States Department of Education) all periodic reports as the Secretary may reasonably request and keep all records, and afford access to all records, as the Secretary finds necessary to verify the periodic reports.

SECTION 2.2: HEARINGS – Sec. 705(d)

The SILC is authorized to hold any hearings and forums that the SILC determines to be necessary to carry out its duties.

SECTION 2.3: RESOURCE PLAN – Sec. 705(c)

- The SILC shall prepare, in conjunction with the DSU, a resource plan for the provision of resources, including staff and personnel, made available under Parts B and C of Chapter 1 of Title VII of the Act, Part C of Title I of the Act, and from other public and private sources that may be necessary to carry out the functions of the SILC.
- The SILC resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the State Plan.
- No conditions or requirements may be included in the SILC resource plan that may compromise the independence of the SILC.
- The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the resource plan.
- A description of the SILC resource plan must be included in the State Plan.
- The SILC shall, consistent with State law, supervise and evaluate its staff and other personnel as may be necessary to carry out its functions under this section.
- While assisting the SILC in carrying out its duties, staff and other personnel made available to the SILC by the DSU may not be assigned duties by the Designated State Agency or DSU, or any other agency or office of the State that would create a conflict of interest.

SECTION 2.4: CONFLICT OF INTEREST

The SILC Chair and/or the DSU shall not permit a person to vote in any matter, if:

- the decision is likely to benefit that person or a member of his/her immediate family; and
- the person is a public official; has a family or business relationship with the grantee (DSU).

The SILC Chair and/or the DSU shall not permit any person to use his/her position for a purpose that is – or gives the appearance of being – motivated by a desire for a private financial gain for that person or for others.

While assisting the SILC in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.

SECTION 2.5: COMPENSATION AND EXPENSES

Members of the SILC shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties on the SILC. SILC members shall be reimbursed for travel expenses as set forth in Title 5 of the Administrative Rules of South Dakota and within the limits set by the annual appropriation approval by the Legislature. Reimbursement of expenses such as attendant services, interpreter services and driver services necessary to allow participation by an individual with a disability shall be provided after prior notification to the designated state unit.

ARTICLE III – MEETINGS

SECTION 3.1: NOTICE OF MEETING

Written notice to all members stating the place, day and hour of all regular and special meetings of the full Council and any documents requiring a Council decision shall be mailed to each Council member (in their requested format) no less than ten days prior to the date of the meeting. In the case of a recess to another day, all Council members shall be notified of the place, day and hour of the reconvened meeting.

SECTION 3.2: MINUTES OF MEETING

Minutes shall be recorded for all regular and special meetings of the full Council. Distribution shall be made to the full Council membership (in their requested format) no less than ten days prior to the date of the next meeting.

SECTION 3.3: SPECIAL MEETINGS

Special meetings of the council may be called any time upon request of the Chair, or upon a written request to the Chair by any three members of the Council.

SECTION 3.4: QUORUM

Those voting members present at any regular, special or committee meeting, for which notice has been provided, shall constitute a quorum.

SECTION 3.5: DECISION MAKING

After thorough consideration, all decisions of the Council must be approved by a simple majority vote of the Council members present unless otherwise provided in these By-laws.

SECTION 3.6: PROCEDURES

The most recent edition of "Robert's Rules of Order" shall govern the conduct of business in all cases in which they are applicable and not inconsistent with these By-laws, with one exception as stated in Section 4.3.

SECTION 3.7: PUBLIC COMMENT

Time will be designated by the Chair at each regular meeting of the Council for public comment. Public comment may be extended or terminated by a majority vote of the Council.

ARTICLE IV – OFFICERS AND ELECTIONS

SECTION 4.1: SELECTION

The officers of the Council shall consist of a Chair, Vice-Chair and Member-at-Large elected by the Council from among its members. Election of officers shall be by a simple majority of the Council members present. At least one officer must be a past or current recipient of independent living (IL) services.

SECTION 4.2: TERMS OF OFFICE

Nominations and elections of SILC officers shall be held annually during the September regular meeting of the SILC. Officers may serve more than one term.

SECTION 4.3: COUNCIL CHAIR – Sec. 705(b) (5)

The Council Chair shall preside at all meetings of the Council, have voting privileges, shall have voting rights in accordance with "Robert's Rules of Order", and shall be an ex-officio member of all Council standing committees and task forces. In addition, he/she shall:

- With the approval of the Council, appoint the Chairs of the Council standing committees and task forces from among the Council's voting members;
- With the approval of the Council, appoint the members of the Council's committees and task forces;
- Develop agendas for Council meetings;

- Arrange orientation for new Council members and encourage their most meaningful involvement in Council activities; and
- Seek effective communication with all Council members including solicitation of agenda items.

SECTION 4.4: COUNCIL VICE-CHAIR

The Vice-Chair shall aid the Chair in the performance of his/her duties and, in the absence of the Chair, shall preside at meetings of the Council. If the Chair is unable to serve, the Vice-Chair shall assume the Chair's duties, but shall not succeed to the position unless elected by the Council.

SECTION 4.5: MEMBER-AT-LARGE

The Member-at-Large shall aid the Chair and Vice-Chair in the performance of his/her duties. In the absence of the Chair and Vice-Chair, the Member-at-Large shall assume the Chair's duties.

ARTICLE V – COMMITTEES AND TASK FORCES

SECTION 5.1: COMMITTEES AND TASK FORCES

The Council shall create all standing committees. As the need arises, the Council may establish special structures called task forces for the purpose of taking action on specific issues on behalf of the Council. The task forces are limited to acting on issues for which they are created and within the time frame established for the assignment.

SECTION 5.2: COMMITTEE AND TASK FORCE CHAIRS

The Council Chair shall appoint the committee and task force Chairs with the approval of the Council. Committee Chairs shall serve a one year term with a maximum of two one-year terms. Task Force Chairs shall serve for the life of the task force.

SECTION 5.3: COMMITTEE AND TASK FORCE MEMBERSHIP

After consultation with the appropriate committee or task force Chair, the Council Chair shall, with the approval of the Council, appoint the members of each committee and task force. Each voting member of the Council shall have one vote in appropriate committee or task force deliberations. Terms on the committees shall be for one year. A majority of task force members shall be members of the Council. The members of a task force shall serve for the life of the task force.

SECTION 5.4: EXECUTIVE COMMITTEE

The Executive Committee shall consist of the Chair, Vice-Chair and Member-at-Large. The Executive Committee shall be authorized to act on behalf of the SILC. Actions by the Executive Committee must be ratified by the SILC at the next meeting. The Executive Committee shall not have authority to make changes in (1) the By-laws, or (2) membership of the SILC.

ARTICLE VI – AMENDMENTS

SECTION 6.1: PROCEDURES

Suggested amendments to these By-laws must be presented in writing in a regular or special Council meeting. Action on such suggested amendments shall not occur until the next regular or special meeting at which a quorum shall be required in order for ratification of the suggested amendment(s) to occur. Ratification shall require the affirmative vote of at least two-thirds of the Council members present.

ARTICLE VII – DESIGNATED STATE AGENCY

P.L. 99-506 requires designation of a State agency, which shall administer or supervise the administration of the State Plan. Consistent with that provision, the Governor has designated the Department of Human Services, Division of Rehabilitation Services, to serve as that agency for the SILC.

ARTICLE VIII – SILC STAFF

Technical assistance and staff support shall be provided to the SILC by the Department of Human Services, Division of Rehabilitation Services, through an agreement with an outside entity.