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South Dakota Council  
on Developmental Disabilities



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## BYLAWS

### ARTICLE I: NAME

The name of this body shall be the South Dakota Council on Developmental Disabilities, hereinafter referred to as "Council".

### ARTICLE II: PURPOSE

#### Section 1. Authority

The legal authority for establishment and administration of the Council rests in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402), Executive Order ~~2004-9~~ 2018-03, and South Dakota Codified Law (SDCL) 27B-1.

#### Section 2. Purpose

The purpose of the Council shall be to provide a leadership role in advocating for a ~~comprehensive service delivery system~~ change in South Dakota that enables people with intellectual or developmental disabilities to achieve their maximum potential for independence, productivity and inclusion in all ~~facets~~ areas of community life.

#### Section 3. Activities (Note: these are from the Executive Order)

The Council's activities shall include, but not be limited to, the following:

- a. Information, Education & Planning. In cooperation with the designated state agency, the Council shall prepare, modify, and approve a state developmental disabilities plan, including a plan for implementation and provide information and education to people with intellectual or developmental disabilities, their families, service providers and the general public.
- b. Influencing and Advocacy. ~~The Council, i~~ the Council in cooperation with the designated state agency, the Council shall advocate and support systems change among the various federal, state, local, or private agencies involved in the developmental disabilities service delivery network, and promote and support best practices across the service delivery system. The Council shall promote partnerships among people with intellectual or developmental disabilities, their families, coalitions, state agencies and service providers. The Council shall serve as an advocate for people with intellectual or developmental disabilities of all ages.
- c. Monitoring and Evaluation. ~~The Council, i~~ the Council in cooperation with the designated state agency the Council shall provide continual monitoring of the developmental

disabilities service network, legislation, state plans and policies and provide for methods to evaluate the quality of that service network.

## ARTICLE III: MEMBERS

### Section 1. Appointments

Appointments to the Council shall be made by the Governor from among the residents of the state and there shall be reasonable geographic, cultural and ethnic representation from the entire state as well as diversity in types of disabilities. All appointees shall be residents of the state of South Dakota.

### Section 2. Composition and Terms

Membership of the Council shall be in accordance with the requirements as specified in PL 106-402 and Executive Order-~~2004-09~~2018-03.

~~At least~~Not less than sixty percent (60%) of the membership of the Council shall consist of people who themselves have an intellectual or developmental disability, are parents or guardians of children with intellectual or developmental disabilities or are immediate relatives or guardians of adults with mentally impairing intellectual or developmental disabilities who cannot advocate for themselves.

The Council shall consist of the following state agency representatives who shall have sufficient authority to engage in policy planning and implementation on behalf of the department, agency or program they represent and shall serve at the pleasure of the Governor:

- a. The director or designee of the Division of Developmental Disabilities, Department of Human Services;
- b. The director or designee of the Office of Special Education in the Department of Education ~~and Cultural Affairs~~;
- c. The director or designee of the Division of Rehabilitation Services, Department of Human Services;
- ~~d.~~ The director or designee of the Division of Long Term Services and Supports, Department of Human Services;
- ~~de.~~ The secretary or designee of the Department of Social Services who shall represent all programs within that department and specifically public assistance, medical assistance, ~~adult services/aging (Older Americans Act)~~, and social services;
- ~~ef.~~ The secretary or designee of the Department of Health who shall represent all programs within that department and specifically maternal and child health and children's special health services;
- ~~fg.~~ The director or designee of the South Dakota Developmental Center;
- ~~gh.~~ The director or designee of the University Center for Excellence in Developmental Disabilities Education, Research and Service, known as the USD-University of South Dakota Center for Disabilities.

Representatives of the following local agencies, nongovernmental agencies, and private for-profit and nonprofit groups concerned with services for people with intellectual or

developmental disabilities shall be appointed by the Governor with terms as specified in Executive Order ~~2004-09~~2018-03:

- a. A representative of community based service providers.
- b. The director or designee of ~~South Dakota Advocacy Services~~ Disability Rights South Dakota.

There shall be at least ~~thirteen (13)~~ fifteen (15) other individuals who shall be people with intellectual or developmental disabilities or their ~~representatives~~ parents or guardians appointed by the Governor, as follows, with terms as specified in Executive Order ~~2004-09~~2018-03:

- a. Five (5) ~~people~~ individuals who have an intellectual or developmental disability including at least one ~~person~~ individual who receives services from a community based service provider and one person who resides or previously resided in the Developmental Center, and who shall be appointed to one-year, two-year, and three-year terms.
- b. ~~An immediate relative or guardian of a person with a developmental disability who resides or previously resided in the Developmental Center whose term shall be for three years.~~
- c. ~~Three (3) parents or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves, including at least one parent or guardian of an adult receiving services from a community-based service provider, who shall be appointed to one-year, two-year and three-year terms.~~
- d. ~~Four (4)~~ Five (5) parents or guardians of children with intellectual or developmental disabilities or immediate relatives or guardians of adults with intellectual or developmental disabilities who cannot advocate for themselves, who shall be appointed to one-year, two-year, and three-year terms.
- c. Five (5) individuals meeting the requirements of either a and b above, who shall be appointed to one-year, two-year, or three-year terms, including an immediate relative or guardian of an individual with an intellectual or developmental disability who resides or previously resided in the Developmental Center whose term shall be for three years.

The Governor shall make appropriate provisions for the rotation of membership on the Council. People with intellectual or developmental disabilities and their representatives, local agency, nongovernmental agency representatives, and private ~~for-profit and~~ nonprofit group representatives may serve two (2) consecutive three-year terms. Council members continue to serve on the Council until such members' successors are appointed per SDCL ~~3-4-10.1-7-1.1~~. Future terms of appointment of people with developmental disabilities or their representatives, and local agency, nongovernmental agency, and private nonprofit group representation shall be three years.

Members authorized through the Executive Order to appoint a Designee to the Council may submit the name of the Designee in writing to the Governor's Office or to the Council Office. The Designee will serve until the Agency Member changes the designation in writing. The Designee must have sufficient authority to engage in policy, planning and implementation on behalf of the member organization.

### Section 3. Attendance

~~Council members may designate a person other than themselves to attend meetings. Any Council member being represented by an authorized designee shall notify the Council staff in writing (letter, fax or email) prior to the start of the meeting and shall identify by name the individual who will attend in their absence.~~

Council members shall notify the Council staff when they are unable to attend a meeting. The member is considered absent if they do not send a designee or contact the Council staff prior to the meeting (in an emergency, contact should be made as soon as possible). If a member has more than two (2) absences in twelve (12) months, the Council Chairperson and/or the Executive Director shall send a letter to the member requesting a written response within two (2) weeks regarding the member's plan for continued membership. If further action is needed, the Governor's Office shall be notified.

### Section 4. Resignation

Any member desiring to resign from the Council shall submit ~~his~~their resignation to the Governor's Office and send a copy of the letter to the Designated State Agency and the Council Chairperson. This person ~~will~~may remain a member of the Council until such time as the Governor's Office is able to fill the vacancy per SDCL 3-2-10.

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### Section 5. Financial Compensation

Non-state agency representatives shall be reimbursed for travel expenses as set forth in ~~Title 5 of the~~ Administrative Rules of South Dakota 05:01 and within the limits set by the annual appropriation approved by the Legislature. Reimbursement for travel expenses shall be provided for a person attending with a member of the Council who requires such assistance to participate. Reimbursement for other expenses, e.g., personal care services, childcare services, interpretive services, etc., necessary to allow participation by a member shall have prior approval by the Executive Committee and notification to the Department of Human Services' Finance Director.

A stipend will be offered to Council Members who are not employed, are employed at sub-minimum wage rates, or must forfeit wages and/or benefits from other employment. This stipend will be in addition to travel expenses and at the rates established thru SDCL 4-7-10.4.

## ARTICLE IV: OFFICERS

### Section 1. Positions

The officers of the Council shall include a Chairperson, ~~and~~ a Vice-Chairperson, ~~who shall be consumer Council members only (non-service providing members)~~ and a Member-at-Large ~~who shall be any Council member~~. These three officers shall comprise the Council's Executive Committee. The Council may elect such additional officers as are deemed necessary.

## Section 2. Duties

- a. Chairperson. The Chairperson shall preside at all meetings of the Council. The Chairperson, in cooperation with the Executive Committee, Council staff and the Designated State Agency, shall schedule all meetings of the Council and perform all such duties relative to the office. The Chairperson shall represent the Council in dealing with other organizations and at public meetings and conferences, or designate an alternate to do so.
- b. Vice-Chairperson. The Vice-Chairperson shall act as Chairperson in the absence of the Chairperson. In the event of the resignation, incapacity, or death of the Chairperson, the Vice-Chairperson shall serve as Chairperson until the Council elects a new Chairperson. The Vice-Chairperson shall perform other duties as may be assigned by the Chairperson.
- c. Member-at-Large. The Member-at-Large shall serve as a member of the Executive Committee.

## Section 3. Nominations

Nominations for Council officers shall be made from the floor.

## Section 4. Election

The Council officers shall be elected by a majority vote of the Council membership in attendance and voting. Those Council members not physically present during a Council meeting in which Council officers are being elected will be considered to be in attendance, and eligible to vote in such an election, if those Council members would otherwise be qualified to vote under ~~the other Article V, Section 5 of the Bylaws sections dealing with voting by telephone or proxy (Article V, Section 5), or the designation of a person to represent a Council member at a meeting (Article III, Section 3).~~ Elections shall be held in September or October.

## Section 5. Eligibility to Hold Office

Only members who are persons with an intellectual or developmental disability or their ~~representatives (not state agency nor service providing representatives) parents or guardians~~ shall be eligible to hold the offices of Chairperson and Vice-Chairperson. The Member-at-Large, and any additional officers as deemed necessary, shall be elected from the membership at large.

## Section 6. Terms

The term of office for the Chairperson and the Vice-Chairperson shall be two years. The term of office for the Member-at-Large shall be one year.

No member shall hold the same office for more than two terms.

## Section 7. Vacancies

Vacancies in elected offices shall be filled by a majority vote of the members in attendance at the next Council meeting. Officers so elected shall serve for the remainder of the vacated term and shall be eligible for election to a full term.

## ARTICLE V: MEETINGS

### Section 1. Schedule

The Council shall meet ~~at least quarterly or~~ as often as necessary, as determined by the Executive Committee, in cooperation with Council staff and the Designated State Agency, ~~but at least quarterly.~~

Special meetings of the Council may be called by the Executive Committee or through the written request of five or more Council members.

Notice of special meetings shall be made to all Council members not less than 10 days prior to the meeting stating the purpose(s) of the meeting. No other business shall be transacted at a special meeting.

### Section 2. Quorum

A quorum for a Council meeting shall be over fifty percent (50%) of the appointed Council membership. A quorum is necessary to conduct official Council duties.

### Section 3. Agenda and Supporting Materials

An agenda and supporting materials shall be distributed 10 days in advance. Requests for items to be included on the agenda shall be submitted to the Council staff 14 days prior to the meeting.

### Section 4. Open Meetings Law

All meetings shall be open to the public in accordance with the state open meetings law, SDCL 1-25-1.

### Section 5. Voting

~~Voting by proxy shall be permitted when authorized in writing by the appointed Council member, provided Council staff have also been notified in writing (by letter, fax or email) prior to the start of the meeting.~~

Voting by telephone, mail, or other formats shall be permitted with prior authorization by the Executive Committee. Any action taken based on a vote taken by telephone, mail, or other formats must be ratified at the next regular meeting of the Council.

### Section 6. Minutes

The minutes of all regular and special meetings shall be available for inspection by the public at all times at the Council's office as set forth in SDCL 1-25-3.

### Section 7. Public Notice

Public notice of all meetings shall be given by posting the agenda outside the principal place of business at least ~~2472~~ hours prior to any meeting, excluding Saturdays, Sundays, and legal holidays as set forth in SDCL 1-25-1.~~43~~.

### Section 8. Manner of Meeting

Meetings may be held physically or virtually at the discretion of the executive committee and in compliance with all public meetings requirements of SDCL ch. 1-25.

**ARTICLE VI: COMMITTEES**

The Council shall have an Executive Committee comprised of the Chairperson, the Vice-Chairperson, and the Member-at-Large. The Executive Committee may appoint ad hoc committees as necessary to conduct the work of the Council.

**ARTICLE VII: PARLIAMENTARY AUTHORITY**

Council meetings shall be conducted in accordance with the rules contained in the current edition of Robert's Rules of Order Newly Revised in all cases in which they are applicable and in which they are not inconsistent with these bylaws and any special rules the Council may adopt.

**ARTICLE VIII: AMENDMENT OF BYLAWS**

These Council bylaws may be amended at any meeting of the Council by a majority vote of the appointed Council membership in attendance provided the amendment has been distributed to all Council members at least 10 days prior to the date of the meeting.

**ARTICLE IX. CONFLICT OF INTEREST**

The Council developed a Conflict of Interest Policy which was adopted June 30, 1994 and is attached as Appendix A.

**ARTICLE X. DESIGNATED STATE AGENCY**

PL 106-402 requires the designation of a State agency which, on behalf of the State, shall receive, account for, and disburse funds under the Developmental Disabilities Basic State Grant Program based on the State plan, and shall provide required assurances and other administrative support services. Consistent with that provision, the Governor has designated the Division of Developmental Disabilities, Department of Human Services to serve as that agency for the Council.

**ARTICLE XI. COUNCIL STAFF**

The Council will have a staff responsible to the Council. The staff will be qualified to carry out the following responsibilities: planning, monitoring, evaluation, advocacy and management. The Council may obtain the services of such professional, technical, and clerical personnel it determines to be necessary to carry out its functions.

Revised: September 14, 2000

Revised: September 29, 2009

Revised: add date

APPROVED: September 29, 2009