

Revised DATE

## **BY-LAWS OF THE SOUTH DAKOTA FAMILY SUPPORT COUNCIL**

### **Article I. NAME**

The name of this body shall be the South Dakota Family Support Council, hereinafter referred to as “the Council”.

### **Article II. PURPOSE**

#### **Section 1. Authority**

The legal authority for establishment and administration of the Council rests in Executive Order 2003-06, as signed by the Governor of the State of South Dakota, effective September 22, 2003.

#### **Section 2. Purpose**

The purpose of the Council ~~is to fulfill the duties set forth in Executive Order 2003-06 shall include to increase awareness and support of persons with disabilities; to provide research and information to the Department of Developmental Disabilities, to the Family Support 360 program, to the Department of Human Services, and any other program or agency which requests such information and research; to advocate for persons with disabilities; strengthen the Family Support 360 program and work to protect the needs of the Family Support 360 program and the persons and families the program supports.~~

#### **Section 3. Duties**

The Council's duties shall include, but are not limited to:

- a. ~~Defining~~ the principles and philosophy of family support services;
- b. Advising the Department of Human Services, Division of Developmental Disabilities (the Division) in the Department's planning, policy, goals, implementation and evaluation of family support services;
- c. ~~Providing~~ an annual report to the Governor and Legislature;
- d. ~~Provide research and findings to the Department of Human Services, Division of Developmental Disabilities, and other interested agencies and program; and~~
- e. ~~Supports for persons with disabilities.~~

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### **Article III. MEMBERS**

#### **Section 1. Appointment**

Appointments to the Council shall be made by the Governor. The Department of Human Services will make recommendations of prospective members to the Governor.

#### **Section 2. Composition and Terms**

Membership of the Council shall be in accordance with the requirements as specified in

Revised DATE

Executive Order 2003-06. The Council shall be composed ~~to~~ fifteen members, ~~not including ex-officio members. Ex-officio members shall have the same qualifications, however, will have no privileges to hold office, to vote, or to be counted in determining if a quorum is present at a meeting.~~

- a. Members of the Council shall be immediate family members of a person with a developmental disability or have a developmental disability themselves;
- b. At minimum, two members of the Council shall be Native Americans;
- c. At minimum, one member of the Council shall have a developmental disability;
- d. Members of the Council shall be appointed by the Governor. The members will be appointed for three-year, staggered terms. Any member appointed to fill a vacancy arising from other than the natural expiration of a term shall serve only for the unexpired term, but may be reappointed to a full term.
- e. ~~If a Council member moves out of State, the Council member must resign from the Council effective on their last day of residency in South Dakota.~~

The Governor shall make appropriate provisions for the rotation of membership of the Council. Council members may serve up to two (2) consecutive three-year terms. ~~All Council members shall serve one (1) three-year term, but are eligible for reelection for another one (1) three-year term.~~

~~However, no member shall serve more than two (2) three-year terms. A member whose term has expired may continue to fill his/her position on the Council until a replacement has been appointed.~~

~~After serving two (2) consecutive three-year terms, a person interested in again serving on the Council must be off the Council for a minimum of one year prior to reappointment. If a Council member is appointed to fill a partial term, the two (2) consecutive terms begins when they are appointed for a full three-year term. The Department of Human Services Division shall maintain a list showing the terms of each current Council membership on the South Dakota Boards and Commissions portal.~~

### Section 3. Attendance

Council members may not designate a person other than themselves to attend meetings. Council members shall notify ~~Division staff the Executive Committee~~ when they are unable to attend a meeting. If a Council member is absent from two (2) consecutive Council meetings ~~without prior notice or good cause~~, the ~~Chairperson of the Council Division staff~~ shall contact the absent Council member regarding their ability or willingness to continue on the Council-absenteeism.

### Section 4. Resignation.

Any member desiring to resign from the Council shall submit his/her resignation ~~to the Governor's Office and send a copy of the letter to the~~ Department of Human Services Division and the Council Chairperson. ~~The Council member shall remain a member of the Council until such time as the Governor's Office is able to fill the vacancy.~~

### Section 5. Financial Compensation

Revised DATE

Members shall serve on the Council without compensation except for ~~non-state agency representatives who shall be reimbursed for~~ travel expenses reimbursement as set forth in ~~Title IV of~~ the Administrative Rules of South Dakota, state policy, and within the limits set by the annual appropriation approved by the Legislature. Reimbursement for other expenses, such as respite care, attendant care services, and interpretive services, necessary for the Council member to participate, ~~shall have~~ require prior approval ~~by~~ from the Department of Human Services Division.

#### Article IV. OFFICERS

##### Section 1. Executive Committee Officer Positions

The officers of the Council shall include a Chairperson, a Vice-Chairperson, and a Secretary. ~~These three officers shall serve as 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 Department of Human Services Division, shall schedule all meetings of the Council, ~~and perform all such duties relative to the~~  
Office. The Chairperson shall represent the Council in cooperation with other organizations and agencies and at public meetings and conferences, or designating an alternate to do so in their stead. The Chairperson shall perform all other duties as prescribed by the Council.
- (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 send out notice of the regular meeting and any special meetings, and such other notices as required by these by-laws. The Vice-Chairperson shall perform all other duties as may be assigned by the Chairperson or as prescribed by the Council.~~
- (c) Secretary. Secretary - The secretary shall work in coordination with Division staff to provide minutes to the Council. The secretary will act as Chairperson in the absence of both the Chairperson and Vice-Chairperson.
- (e) ~~The Secretary will review the draft of the minutes of the Council meetings and sign the final copy of the minutes. The Secretary shall keep a roster of the current Council members, the Council members' current contact information, and Council members terms. The Secretary shall perform all other duties as may be assigned to them by the Chairperson or as prescribed by the Council.~~

##### Section 3. Nomination

Nominations for Council officers shall be made from the floor.

Revised DATE

#### Section 4. Election

The Council officers shall be elected by a simple majority of a quorum of the full Council membership. Elections shall be held by secret ballot during the ~~last-first~~ quarter of the State fiscal year ~~(April, May, or June)~~ (July, August, or September) to take effect the following first of July of that year.

#### Section 5. Terms

The term of office for the Chairperson, the Vice-Chairperson, and the Secretary shall be one year. No Council member shall hold the same office for more than two consecutive years.

#### Section 6. Vacancies

Vacancies of Council officers positions shall be filled by a simple majority vote of a quorum of the ~~full Council membership members in attendance~~ by secret ballot at the next Council meeting. Officers so elected shall serve for the remainder of the vacated term and shall be eligible for re-election to a full term.

### Article V. MEETINGS

#### Section 1. Schedule

There shall be a regular meeting no less than every quarter of the calendar year at an agreed upon time and place in cooperation with the Department of Human Services Division. ~~A special meeting may be called from time to time upon the agreement of the Executive Committee, by request of the Secretary of Department of Human Services, or on the written request of five or more members of the Council. No other business shall be transacted at a special meeting.~~

#### Section 2. Quorum

~~Except as otherwise provided in statute, a simple majority of the full~~ The full Council membership (fifteen members) is used to determine a quorum. The quorum is a simple majority of the full Council membership (eight members). A quorum is necessary to conduct any Council business. For a motion to pass, it must receive a favorable vote from a simple majority of the quorum (five members).

#### Section 3. Public Notice of Agenda and Supporting Materials

~~An~~ draft agenda and supporting materials shall be posted in accordance with SDCL 1-25-1.3 at least seventy-two (72) hours prior to the meeting, excluding holidays and weekends, but shall usually be posted and distributed ten (10) calendar days in advance. distributed ten (10) days in advance. Requests for items to be included on the agenda shall be submitted in writing to the Chairperson fourteen (14) days prior to the meeting and shall include an abstract of the presentation and materials to be distributed. The Council Chairperson in consultation with Department of Human Services Division staff will establish the draft meeting agenda.

Revised DATE

#### Section 4. Open Meetings Law

All meetings of the Council shall be open to the public in accordance with state open meetings law, SDCL Chapter 1-25. ~~Members of the public may be asked to acknowledge their attendance by signature for recording in the meeting minutes.~~ The Council Chairperson shall reserve at every official meeting by the public body a period for public comment, limited at the chair's discretion, but not so limited as to provide for no public comment.

#### Section 5. Teleconference.

Any Council member ~~or member of the public~~ may participate in a ~~regular meeting or special~~ meeting by conference telephone or other electronic means by which all persons participating in the meeting can communicate with each other. Participation by telephone shall be sufficient for the purposes of determining if a quorum is present.

#### Section 6. Voting

Pursuant to SDCL § 1-25-~~1.51-2~~, ~~each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote. voting in person, telephone, or other formats shall be permitted.~~ Pursuant to Article IV §4 of these bylaws, elections for officers shall be conducted by secret ballot. Each member is entitled to one vote and may cast that vote on any matter submitted to a vote of the Council. Voting by proxy is not permitted. ~~Ex-officio members shall have no voting privileges.~~

#### Section 7. Minutes and Public Information

The minutes of all regular and special meetings, and all public information of the Council shall be in accordance with SDCL § 1-25-1.4 and SDCL § 1-25-3.

#### ~~Section 8. Public Notice~~

~~Written public notice shall be given of all meetings 72 hours in advance of meeting excluding weekends and holidays. Changes in the established date, time, or locations shall be given the same notice special notice. All meeting notices shall be posted at the office of the Department of Human Services in Pierre, South Dakota, and online at boardsandcommissions.sd.gov.~~

#### Article VI. COMMITTEES

~~The Council shall have an Executive Committee comprised of the Chairperson, the Vice-Chairperson, and the Secretary. A subcommittee shall may be appointed by the Council. Executive Committee as needed for reasons as determined by the Executive Committee.~~ A subcommittee shall consist of no less than two members. Such subcommittee shall be directed by and report to the Chairperson. Such subcommittees may be discontinued when no longer necessary.

#### Article VII. PARLIAMENTARY AUTHORITY

Revised DATE

Meetings of the Council shall be conducted in accordance with the Advisory Council Meetings and Robert's Rules of Order guide, attached hereto, and in which they are not inconsistent with these ~~By-Laws, and any special rules the Council may adopt.~~

#### Article VIII. AMENDMENT OF BY-LAWS

Proposed amendments to these By-Laws must be shared with the Council and the Division~~department~~ at least one meeting prior to the meeting in which such changes will be considered. The By-Laws, with appropriate notice, may be amended at any regular meeting of the Council by vote of a simple majority of the full Council membership, provided written notice of the proposed amendment or alternation shall have been given to all members at least ten days prior to the regular meeting at which such action is proposed to be taken.

#### Article IX. CONFLICT OF INTEREST

Prior to any discussion or vote on an issue in which a Council member has a vested relationship or interest, the Council member who has such conflict of interest shall declare it and shall abstain from voting on the issue.

~~If an issue comes before the Council in which the Council member has a personal vested interest or vested relationship with an agency or person that will benefit from a decision related to that issue, it shall be the duty of the member to declare a conflict of interest prior to the discussion of the issue. The member shall be exempt from the not have the right to vote on that issue. The member then will be free to participate in the discussion of the issue within the time limits established by the Chairperson for all Council members.~~

~~If a member disagrees with any decision made by the Council and wishes to act contrary to that decision, it shall be the duty of the Council member to inform other members of the Council that the individual Council member's action is in opposition to the Council's wishes and on behalf of the individual Council member only.~~

#### Article X. STAFF ASSISTANCE DESIGNATED STATE AGENCY

Executive Order 2003-06 designates ~~the~~the Division of Developmental Disabilities, of the Department of Human Services as the State agency which shall provide staff assistance to the Council ~~and submit an annual report on Family sSupports to the Governor and Legislature.~~