

MOVED by \_\_\_\_\_, and seconded by \_\_\_\_\_  
that the By-Laws of the South Dakota Family Support Council be amended as follows:

**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 "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 shall be to provide a leadership role in the design, implementation, regulation, and evaluation of family services in South Dakota.~~ The Council was formed 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 person 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 Councils duties shall include, but not limited to:

- a. Define the principals and philosophy of family support services;
- ~~b. Participate in the planning, policy making, goal setting, implementation and evaluation of family support services; and,~~
- b. Advising the Department of Human Services, Division of Developmental Disabilities in the Department's planning, policy, goals, implementation and evaluation of family support services;
- c. Provide an annual report to the Governor and Legislature;
- d. Provide research and findings to the Department of Human Services, Department of Developmental Disabilities, and other interested agencies and program;
- e. Study and support legislation that will bring about the greatest good for persons with disabilities and good will to the Family Support 360 program; and
- f. Support persons with disabilities.

## 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 Executive Order 2003-06. The Council shall be composed to fifteen members, not including ex-officio members. ~~A Council member shall be an immediate family member who has a person with an identified developmental disability living in the immediate family member's home or a person with an identified developmental disability over twenty one years old who lives in his or her home community.~~ 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.

~~The council shall consist of fifteen members. Two members of the council shall be self identified members of a Native American community or member of an Indian Nation. Council membership shall include the following representation:~~

- ~~(a)~~ (a) A majority of the Members of the Council shall be immediate family members of people a person with an identified developmental disability twenty one years old or younger who resides in the family home or have a developmental disability themselves;
- ~~(b)~~ (b) The remaining members of the Council shall be immediate family members of people with an identified developmental disability over twenty one years old who resides in the family home community or a person with an identified developmental disability over twenty one years old who lives in his or her home community.
- (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;
- ~~(e)~~ (d) Members of the Council will 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.
- ~~(d)~~ (d) In the event that a Council member's child turns twenty two during their term the Council member may complete the term. For purposes of determining majority representation as mandated by Section 2., a. these members will be considered as representatives of families of children.
- (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 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, two (2) consecutive terms begins when they are appointed for a full three-year term. The Department of Human Services maintains a list showing ~~number of consecutive terms~~ the terms of each Council member.

### Section 3. Attendance

Council members may not designate a person other than themselves to attend meetings. Council members shall notify the ~~Council staff~~ Executive Committee when they are unable to attend a meeting. ~~If a Council member is absent from 2 consecutive Council meetings, the Chairperson of the Council shall contact the absent Council member regarding their absenteeism. A member may be removed if he/she has two (2) unexcused absences from the Council in one calendar year.~~

### Section 4. ~~Resignation~~ Termination of Membership

- (a) By 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 and the Council Chairperson. ~~The Council member shall~~ This individual will remain a member of the Council until such time as the Governor's Office is able to fill the vacancy.
- (b) By conduct unbecoming. Any Council member may be terminated by a quorum of the council for conduct unbecoming or prejudicial to the aims of the Council or Department after notice is afforded to the member.

### Section 5. Financial Compensation

Members shall serve on the Council without compensation except for non-state agency representatives who shall be reimbursed for travel expenses as set forth in Title 5 IV of the Administrative Rules of South Dakota and within the limits set by the annual appropriation approved by the Legislature. Reimbursement for other expenses, ~~e.g., child~~ such as respite care, attendant care services, and interpretive services, etc. ~~necessary to allow participation for the Council member to participate,~~ shall have prior approval by the Department of Human Services.

## Article IV. OFFICERS

### Section 1. ~~Positions~~ Executive Committee

The officers of the Council shall include a Chairperson, a Vice-Chairperson, and a Secretary. These three officers shall ~~comprise~~ 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, shall schedule all meetings of the Council and perform all such duties relative to the office. The Chairperson shall represent the Council in ~~dealing~~ 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. ~~The Secretary shall serve as a member of the Executive Committee.~~ The Secretary will review the draft of the minutes of the Council meetings and sign the final copy of the minutes. ~~The Secretary will record the minutes in the absence of the Department of Human Services' staff.~~ 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.

## Section 4. Election

The Council officers shall be elected by a simple majority ~~vote~~ of a quorum of the full Council membership. Elections shall be held during the last quarter of the State fiscal year (April, May, or June) to take effect the following first of July 1<sup>st</sup> 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 ~~in elected offices~~ of Council officers shall be filled by a simple majority vote of a quorum of the members in attendance at the next Council meeting ~~with a quorum in attendance~~. 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

~~The Council shall meet as often as necessary, in cooperation with the Department of Human Services, but at least quarterly.~~

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. Special meetings of the Council A special meeting may be called from time to time upon the agreement of the ~~by 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. ~~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 a simple majority of the appointed Council membership. Except as otherwise provided in statute, a simple majority of the full Council membership shall constitute a quorum at all meetings of the Council for the transaction of business. If a quorum shall not be present at any meeting of the Council, the Chairperson shall have the power to adjourn the meeting without notice, by announcement at the meeting until a quorum shall be presented. A quorum is necessary to conduct all official Council duties.~~

### Section 3. Agenda and Supporting Materials

An agenda and supporting materials shall be distributed ten (10) days in advance. Requests for items to be included on the agenda shall be submitted in writing to the ~~Council staff~~ 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 staff will establish the meeting agenda.

### Section 4. Open Meetings Law

All meetings of the Council shall be open to the public in accordance with state open meetings law, ~~SDCL 1-25-1~~ Chapter 1-25. Members of the public ~~will~~ may be asked to ~~register and may participate in discussion only at the request of a Council member or during scheduled time for public comments~~ acknowledge their attendance by signature. The chair 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 member 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 equivalent to presence in person at a meeting for the purposes of determining if a quorum is present.

Section 56. Voting

~~Voting by proxy or 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.~~

Pursuant to SDCL § 1-25-1.2, voting in person, telephone, or other formats shall be permitted. 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 67. 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 § 1-2-1.4 and SDCL § 1-25-3 shall be filed within fifteen days after the date of the meeting as set forth in SDCL 1-25-3.~~

Section 78. Public Notice

Written public notice shall be given of all meetings shall be given by posting the agenda outside the principal place of business at least 24-72 hours prior to any in advance of meeting as set forth in SDCL 1-25-1. Changes in the established date, time, or locations shall be given 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. ~~The Executive Committee may appoint ad hoc committees as necessary to conduct the work of the Council.~~ A subcommittee shall be appointed by the Executive Committee 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

Meetings of the 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~~ Roberts Rules of Order or an adaptation thereof as approved by the Council, 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

These ~~Council~~ By-Laws may be amended at any regular meeting of the Council by vote of a simple majority ~~vote of the full appointed Council membership in attendance~~, provided written notice of the proposed amendment or alternation shall have been given to all ~~has been distributed to all Council members~~ at least ~~10~~ ten days prior to the ~~date of 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 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 ~~majority of the~~ Council and wishes to act contrary to that decision, it shall be the duty of the Council member to inform others 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.

Any question, rule, issue, or course of conduct not provided for in these By-Laws shall be decided by agreement of a simple majority of the full Council membership. If such decision is objected to by any member of the Council a special meeting may be called by agreement of the Executive Committee to consider such objection.

#### Article X. DESIGNATED STATE AGENCY

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

Adoption: On \_\_\_\_\_ day of \_\_\_\_\_, 2018, the foregoing By-Laws were duly adopted as the By-Laws of said Council by a majority vote of the Council members present at a regular meeting and the same do now constitute the By-Laws of said Council.

\_\_\_\_\_  
Secretary