

**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 support services in South Dakota.

Section 3. Duties

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

- a. Define the principles and philosophy of family support services;

- b. Participate in the planning, policy making, goal setting, implementation and evaluation of family support services; and,
- c. Provide an annual report to the Governor and Legislature.

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 of 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 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 majority of the members of the Council shall be immediate family members of people with an identified developmental disability twenty-one years old or younger who resides in the family home.
- 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.
- c. Members of the Council will be appointed by the Governor. The members will be appointed for three-year, staggered terms.
- d. In the event that the 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*. 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.

12/09

*If a Council member is appointed to fill a partial term, two 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.

Section 3. Attendance

Council members may not designate a person other than themselves to attend meetings. Council members shall notify the Council staff 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.

Section 4. Resignation

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

Section 5. Financial Compensation

12/09

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 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 care, attendant care services, interpretive services, etc., necessary to allow participation by a Council member shall have prior approval by the Department of Human Services.

ARTICLE IV: OFFICERS

Section 1. Positions

The officers of the Council shall include a Chairperson, a Vice-Chairperson, and a Secretary. 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 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 with other organizations and at public meetings and conferences, or designating 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

12/09

shall perform other duties as may be assigned by the Chairperson.

- 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 minutes. The Secretary will record the minutes in the absence of Department of Human Services' staff.

Section 3. Nomination

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 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 July 1st.

Section 5. Terms

The term of office for the Chairperson, the Vice-Chairperson, and the Secretary shall be one year.

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

Section 6. Vacancies

Vacancies in elected offices shall be filled by a majority vote 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 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.

Special meetings of the Council may be called by the Executive Committee, the Secretary of the Department of Human Services, 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 a simple majority 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 in writing to the Council staff 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 the Department staff will establish the meeting agenda.

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. Members of the public will be asked to register and may participate in discussion only at the request of a Council member or during scheduled time for public comments.

Section 5. 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.

Section 6. Minutes

The minutes of all regular and special meetings shall be filed within fifteen days after the date of the meeting as set forth in SDCL 1-25-3.

Section 7. Public Notice

12/09

Public notice of all meetings shall be given by posting the agenda outside the principal place of business at least 24 hours prior to any meeting as set forth in SDCL 1-25-1.1.

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.

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

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 member has a personal vested interest or a 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 member to inform others that the action is in opposition to the Council's wishes and on behalf of the individual member only.

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 the Legislature.