

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.

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;

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.

- 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 American;
- 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.

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.

If a Council member is appointed to fill a partial term, the two (2) consecutive terms begin when they are appointed for a full three-year term. The Division shall maintain a list of 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 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 Division staff shall contact the absent Council member regarding their ability or willingness to continue on the Council.

Section 4. Resignation.

Any member desiring to resign from the Council shall submit his/her resignation to the Division and the Council Chairperson.

Section 5. Financial Compensation

Members shall serve on the Council without compensation except for travel expenses reimbursement as set forth in 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, require prior approval from the Division.

Article IV. OFFICERS

Section 1. Officer Positions

The officers of the Council shall include a Chairperson, a Vice-Chairperson, and a Secretary.

Section 2. Duties

- (a) Chairperson. The Chairperson shall preside at all meetings of the Council. The Chairperson, in cooperation with the Division, shall schedule all meetings of 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.

- (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.

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 of a quorum of the full Council membership. Elections shall be held during the first quarter of the State fiscal year (July, August, or September) to take effect immediately.

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 officer positions shall be filled by a simple majority vote of a quorum of the full Council membership 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 Division.

Section 2. Quorum

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

A 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. . . The Council Chairperson in consultation with Division staff will establish the draft 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 Chapter 1-25. 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 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 § 1-25-1.5, 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. 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.

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.

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Article VI. COMMITTEES

A committee may be appointed by the Council as needed. A committee shall consist of no less than two members. Such committee shall be directed by and report to the Chairperson. Such committees may be discontinued when no longer necessary.

Article VII. PARLIAMENTARY AUTHORITY

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.

Article VIII. AMENDMENT OF BY-LAWS

Proposed amendments to these By-Laws must be shared with the Council and the Division 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.

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.

Article X. STAFF ASSISTANCE

Executive Order 2003-06 designates the Division of Developmental Disabilities, of the Department of Human Services as the State agency which shall provide staff assistance to the Council.