

MASSACHUSETTS STATEWIDE INDEPENDENT LIVING COUNCIL BYLAWS

ARTICLE I - NAME

Section 1

The name of the Council is the Massachusetts Statewide Independent Living Council (hereinafter in this document referred to as the Council).

Section 2

The Council is established under provision of the Rehabilitation Act of 1973 - Amendments of 1993, by the Governor or his/her designee.

Section 3

The purpose of these bylaws is to establish policies and procedures for the selection, function and internal governance of this Council.

Section 4

The fiscal and reporting year of the council will be from October 1st through September 30th, to coincide with the Federal fiscal year (FFY).

ARTICLE II - PURPOSE

Section 1

The purpose of the Council shall include all provisions under sub-section.705 (c) of the General Provisions of the Rehabilitation Act of 1973 - Amendments of 1993, governing the duties of the Statewide Independent Living Council including:

1. Jointly develop and submit (in conjunction with Massachusetts Rehabilitation Commission and the Massachusetts Commission for the Blind) the State Plans required in section 704 of the Act.
2. Monitor, review, and evaluate the implementation of the State Plans.
3. Coordinate activities with the State Rehabilitation Advisory Council established under section 105 and other State Councils that address the needs of specific disability populations and issues under other federal laws.
4. Ensure that all regularly scheduled meetings of the Council are open to the public, fully accessible to all persons with disabilities, and that sufficient advance notice is provided.
5. Submit to the Rehabilitation Service Administration Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

6. Hold necessary hearings and forums to carry out the duties of the Council.

Section 2

To provide guidance and recommendations for the development and expansion of the network of Centers for Independent Living and Independent Living services on a statewide basis.

Section 3

To provide guidance to state agencies and to local planning and administrative entities established under Title VII.

Section 4

To prepare and submit to the state agencies designated under Section 704(2) of the Rehabilitation Act of 1973 - Amendments of 1993, a three-year plan addressing the Long-term goals and recommendations for the network of Centers for Independent Living and Independent Living Services within the state.

Section 5

The Council shall prepare, in conjunction with each designated state unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary to carry out the functions of the Council under section 705(e) of the Rehabilitation Act of 1973 - Amendments of 1993, within available resources.

Section 6

The Council shall, consistent with state law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council.

Section 7

To act effectively in the interest of all citizens of the Commonwealth of Massachusetts.

ARTICLE III - MEMBERSHIP

Section 1A

The Council membership shall include:

- A. Representatives from centers for independent living;
- B. Parents, guardians and siblings of individuals with disabilities;
- C. Advocates of and for individuals with disabilities;
- D. Representatives from private businesses;

E. Representatives from organizations that provide services for individuals with disabilities; and

F. Other appropriate individuals.

Section 1B

The Council shall be composed of a majority of members who:

A. Provide statewide representation;

B. Represent a broad range of individuals with disabilities;

C. Are knowledgeable about centers for independent living ~ and independent living services; and

D. Are {i} individuals with disabilities described in Section 7{8) {B} of the Rehabilitation Act of 1973 - Amendments of 1993, and {ii} not employed by any state agency or center for independent living.

Section 1C

Voting membership composition of the Council shall comply with the general provisions of the Rehabilitation Act of 1973-Amendments of 1993. According to the Act, voting membership may not include {i} a representative from the designated state units, {ii} representatives from other state agencies that provide services for individuals with disabilities. All other members of the Council, unless otherwise determined, have voting privileges.

Section 2

The voting members of the Council shall be appointed by the Governor or his/her designee.

Section 3

Candidates for voting membership on the Council shall be selected by a Nomination & Development committee and agreed upon by a majority of the Executive Committee of the Council prior to their names being submitted for appointment as voting members to the Governor or his/her designee for final approval and appointment.

Section 4

The Council shall consist of a total of thirty-six (36) voting members and eight (8) non-voting members. Non-voting membership shall at no time exceed 25% of the voting membership for the purpose of Council ~ composition only.

The composition of Council membership, in compliance with applicable guidelines, shall consist of:

1 independent living center director designated by a majority vote of the network of Independent Living Center directors.

1 representative from Massachusetts Rehabilitation Commission

1 representative from Massachusetts Commission for the Blind

6 representatives from state agencies including Massachusetts Commission for the Deaf and Hard of Hearing, Department of Mental Health, Department of Mental Retardation, Department of Public Health, Massachusetts Office on Disability, Massachusetts Developmental Disability Council. The list will be developed annually by the Council.

1 representative from each Independent Living Center or program, (not necessarily Executive Director).

23 must be people with disabilities who are not employees of the state or a center for independent living.

2 others, including people with disabilities, representatives for businesses, parents or guardians or siblings of children or adults with disabilities, and other appropriate persons.

Section 6

If the Executive Committee determines that a member has consistently failed to participate in the work of the Council and its subcommittees, including but not limited to his/her failure to attend three consecutive meetings without just cause, the Executive Committee shall request the resignation of such member. Failing the receipt of such resignation, the Council shall recommend that the Governor or his/her designee terminate the membership of such member on the Council and its subcommittees.

Section 7

Resignation by Council members shall be made by notifying, in writing, the designated administrator of the Council, who shall share same with the Executive Committee of the Council, The Executive Committee shall recommend that the Governor or his/her designee terminate the membership of such member on the council and its subcommittees.

Section 8

The Executive Committee may recommend replacement of a member for just cause. Such just cause may include, but is not limited to, inactivity, conflict of interest (as defined by the Council), or unauthorized use of the Council's name. If the Executive Committee determines that a member should be replaced for just cause, the member shall be given reasonable notice and opportunity to be heard.

The Chairperson may not recommend removal or replacement of any member for any reason other than voluntary resignation, until such member have been given ample opportunity to be heard. Such opportunity may be waived by the member. If the member shall voluntarily waive such opportunity to be heard, the Executive Committee may then recommend removal or replacement.

Section 9

The Chairperson, upon approval of the Council pursuant to Section 3, shall submit the names of one or more candidate(s) for membership on the Council to the Governor or his/her designee in a timely manner when a vacancy exists, and request that a replacement be appointed as soon as possible.

Section 10

The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including, but not limited to child care, personal assistance services, interpreters, transportation), and to pay compensation to a member of the Council if such member is not employed or must forfeit wages from other employment for each day the member is engaged in performing Council duties. Reimbursement for such expenses shall be at the prevailing rate of such expenses, services or goods. Such reimbursement shall be at the Council's discretion, subject to availability of funds.

Section 11

Terms of Membership. Each member of the Council is to serve a three-year term, except for initial members whose terms will expire on a staggered basis. No member may serve more than two full consecutive terms. Yet former members may be reappointed after being a non-member for at least twelve (12) months.

ARTICLE IV - OFFICERS

Section 1

The officers of the Council shall consist of: Chairperson, Vice-Chairperson, Clerk, and Treasurer.

Section 2 All officers shall serve a term of one year, October 1 to September 30, or until their successors have been elected or qualified. They shall be eligible for re-election but not more than two consecutive terms in the same office. Election shall be held annually at the September meeting of the Council. Election prior to June 1994 will be in strict accordance with these bylaws, with exception of the date the elections are held. The date for a special election will be selected by the Nomination & Development Committee with a majority vote of approval by the voting members of the Council in attendance at a formal meeting of the Council in which a quorum is present.

2.1

Vacancies on the Executive Committee and Council office positions vacated prior to scheduled elections will be filled by appointment by the Executive Committee with a majority vote of approval by the voting members of the Council in attendance at a formal meeting of the Council at which a quorum is present.

2.2

A term, for re-election purposes, shall be counted as one (1) term when six (6) or more consecutive months of one (1) year term has been served by a voting member of the Council elected with these by-laws.

Section 3

It shall be the duty of the Chairperson to preside at all meetings of the Council, to establish such subcommittees as are necessary to carry out the functions of the Council, to appoint all members of any subcommittees and to appoint the Chairpersons of each subcommittee. Establishment of subcommittees and appointment of Chairpersons shall be ratified by the Council by a majority of voting members attending. Ex-officio members of the Council may participate in sub-committees of the Council.

Section 4

It shall be the duty of the Vice-Chairperson to preside in the absence of the Chairperson.

Section 5

It shall be the duty of the Clerk to keep copies of all minutes, correspondence, and records of attendance of meetings.

Section 6

The Treasurer shall also manage the fiscal duties of the Council, and provide regular financial reports as directed.

Section 7

The Executive Committee shall consist of the elected officers and all of the committee chairpersons.

7.1

It is the duty of the Executive Committee to supervise and evaluate Council staff and personnel. While carrying out the duties of the Council, such staff and other personnel are not to be assigned duties by the designated state unit or any other agency or office of the State that would create a conflict of interest.

Section 8

A Nomination & Development Committee shall be appointed by the Chairperson and shall be a standing committee of the Council and shall consist of a minimum of three (3) members.

8.1

The Nomination and Development Committee shall be the committee that oversees the election of officers at the annual meeting.

8.2

The Committee shall provide notice in writing of its nominees to all voting Council members at least twenty-one (21) days in advance of the annual meeting. Additional nominations shall be made from the floor.

ARTICLE V - MEETINGS

Section 1

The Council shall have at least four (4) regular meetings per calendar year, at which a quorum is present. Additional meetings of the Council will be held as deemed necessary by the Chairperson.

Section 2

Appropriate advance notice will be given and possible agenda items and minutes of the previous meeting will be sent to the Council members at least two weeks in advance of each regularly scheduled Council meeting.

Section 3

A majority of the voting members of the Council shall constitute a quorum for the purpose of conducting Council meetings.

Section 4

A two-thirds majority of the voting members of the Council shall constitute a quorum for the purposes of the election of Council officers.

Section 5

All regular meetings of the Council are open to the public in conformance with the open-meeting Law of the Commonwealth of Massachusetts and in accordance with section 705(c) (4) of the Rehabilitation Act Amendments of 1993.

ARTICLE VI - AMENDMENTS

Section 1

Changes and amendments to these bylaws must appear on the agenda and be discussed at two consecutive Council meetings. Changes and amendments must be approved by a two-thirds vote of the voting members present at the second meeting where they are discussed.

Section 2

Any such changes and amendments to these bylaws shall become effective subject to the approval of the majority of voting members.

Adopted 11/18/93, Edited 8/30/95, Edited 3/30/05