

TEXAS  
STATE INDEPENDENT LIVING COUNCIL  
BY-LAWS

As Amended, June 2011

I. ESTABLISHMENT

The 1986 Amendments to the Rehabilitation Act of 1973, and amended in 1992, established the State Independent Living Council (hereafter referred to as the Council). In order for any State to receive Independent Living funds, each State shall establish an Independent Living Council. The Council shall not be established as an entity within another State agency.

The purpose or purposes for which the Council is organized are charitable, scientific, literary and educational. The Council is created solely as an organization described in Section 501(c)(3) of the Internal Revenue Code. The Council shall be operated exclusively for such purposes. No part of its net earnings shall inure to the benefit of any director or individual; no part of its activity shall be carrying on propaganda, or otherwise attempting to influence legislation, and it shall not participate nor intervene (including the publishing or distribution of statements) in any political campaign on behalf of or in opposition to any candidate for public office.

II. DUTIES

The Council shall:

- A. provide guidance for the development and expansion of independent living programs and concepts on a statewide basis;
- B. in conjunction with the Designated State Units (DSU), jointly develop and submit to the Rehabilitation Services Administration (RSA) the State Independent Living Plan;
- C. monitor, review, and evaluate the implementation of the Independent Living Plan and prepare a progress report annually;

- D. coordinate activities with the Rehabilitation Council of Texas, (RCT), and advisory bodies that address the specific disability populations and issues under other Federal law;
- E. ensure that all regularly scheduled meetings of the Council are open to the public, and that at least one week's advance notice of the meeting is provided;
- F. submit to the RSA Commissioner such periodic reports as the RSA Commissioner may reasonably request, and keep such records, and afford such access to such records as the RSA Commissioner finds necessary to verify such reports;
- G. provide guidance to State agencies and to local planning and administrative entities assisted under this title; and
- H. hold public hearings and forums as necessary to monitor and evaluate the development and implementation of the State Plan and to assess the quality and effectiveness of the duties carried out by the Council.

### III. COUNCIL MEMBERSHIP

#### A. MEMBERS

The membership will be composed as follows:

1. A majority of the membership of the Council shall be individuals with disabilities not employed by any State agency or center for independent living.
2. One member shall be a director of a center for independent living chosen by the directors of centers for independent living within the State.
3. Other members shall include representatives from centers for independent living, parents and guardians of individuals with disabilities, advocates of and for individuals with disabilities, representatives from private businesses, representatives from organizations that provide services for individuals with disabilities, and other appropriate individuals.
4. An ex-officio non-voting member from the Division for Rehabilitation Services, (DRS), an ex-officio non-voting member from the Division for Blind Services, (DBS),

and at least one other ex-officio non-voting member from another public or private agency serving people with disabilities.

5. All members of the Council, both voting and ex-officio, shall be appointed by the Governor.

#### B. TERMS OF SERVICE

Length of term of appointment to the Council will be three years to ensure continuity. Members may be reappointed by the Governor for a term of up to three years. Members of the Council cannot be reappointed to serve more than two full terms consecutively. Appointment of members shall be on a Federal fiscal year basis.

#### C. PARTICIPATION

1. Members are expected to attend all Council meetings and all meetings of those Committees to which they are assigned. If possible, members shall notify the appropriate Chairperson at least five days prior to the meeting of any necessary absence. Absence from three consecutive meetings without good cause will result in the Chair recommending dismissal from the Council by the Governor.
2. Failure to fulfill the responsibilities of the Council without good cause may result in a recommendation from the Council to the Governor for dismissal.

#### D. VACANCIES

Vacancies will be filled as soon as possible. The Governor will make all appointments to ensure that representation complies with the Rehabilitation Act of 1973, as amended.

#### E. OFFICERS

1. Selection of officers

A Nominating Committee will prepare a slate of candidates to present to the council. Nominations will also be accepted from the floor. Each office will be filled every two years by a majority vote of the membership by

secret ballot. Officers of the Council shall be a Chair, Vice-Chair, and Secretary. Officers may be nominated for re-election through the prescribed nomination process.

2. Responsibilities of the Officers (see attached job descriptions)

a. The Chair has responsibility for facilitating and supervising Council activities through Council and committee meetings and for working with Council members needing clarification about Council functions. The responsibilities of the Chair shall include, but not be limited to, the following duties;

1. Presiding at all meetings of the Council and voting only in the event of ties;
2. Serving as the Chair of the Executive committee and as a non-voting ex-officio member of all other committees;
3. Appointing the chairs and members of all committees;
4. Calling special meetings of the Council, as necessary, within budget allocations;
5. Preparing the formal agenda for each Council meeting and ensuring that a copy in accessible format is sent to all members two weeks prior to scheduled meetings;
6. Appointing Ad Hoc Committees and delegating assignments.

b. The responsibilities of the Vice-Chair shall include, but not be limited to, the following duties:

1. Performing the duties of the Chair in all cases when the Chair is unable to serve;
2. Serving as a member of the executive committee and an ex-officio member of all other committees;

3. Assuming such additional duties as may be requested by the Chair.

c. The responsibilities of the Secretary shall include keeping the Minutes of the full Council and Executive Committee meetings, and other administrative duties that may be assigned by the Chair.

F. LIAISONS

The Council will name Liaisons to other agencies or councils that address the needs of specific disability populations and issues under other Federal law.

G. EXPENSES OF COUNCIL MEMBERS

1. Council members shall serve without salary, but shall be entitled to receive reimbursement for expenses for all approved activities. Reimbursement will be in accordance with laws of the State of Texas. Such expenses shall include, but not be limited to, travel, long distance telephone calls, meals and lodging.

2. Council members who have disabilities and need personal attendant services shall be entitled to reimbursement for these costs.

3. Council members shall file expenses on a timely basis and claim only expenses incurred in performing duties as Council members.

H. BUDGET FOR THE COUNCIL

Potential funding to support the efforts of the Council will be allocated through Title VII, Part B of the Rehabilitation Act and from other public and private sources.

A resource development plan shall be drafted by the Council for inclusion in each three-year State Plan for Independent Living. Prior to the beginning of each fiscal year, the Executive Committee will develop a budget related to anticipated Council expenditures during the upcoming year. The budget will include, but is not limited to, the following line items:

1. reimbursement for Council members travel expense, lodging, and food costs within specified amounts;
2. Usual office expenses such as phone, fax, internet, supplies, printing, and postage;
3. ADA required accommodations;
4. Rental of space and equipment for organizational operations and for Council and other meetings;
5. Contractual fees;
6. Salary and benefits for the SILC staff;
7. Property liability and directors and officers insurance.

#### I. CONFLICT OF INTEREST

SILC members shall abstain from voting on the selection, award or administration of a contract from which they or a group or organization they represent may benefit. In such instances, a SILC member may propose motions and participate in discussion on above referenced contracts.

#### IV. COMMITTEES OF THE COUNCIL

1. The Council Chair shall appoint members for all committees and shall designate the committee Chairs. The committee Chair shall select a Vice-Chair for the committee who will act in the Chair's absence. A committee quorum shall be a simple majority of the current members of the committee. Membership to a committee shall be automatically terminated after three (3) consecutive absences by a member from the meetings of a committee without due cause.
2. A committee may make recommendations based on the simple majority of the members present. Actions recommended by the members present shall be presented to the full Council for consideration. Written reports of each committee meeting are to be received by the Council Chair.
3. All recommendations proposed by any Committee shall be presented to the full Council for ratification unless

the Committee is authorized by the Council to act in its behalf. Any clarifications must be made by a Committee member or Chair.

A. The Executive Committee

1. The Executive Committee consists of the Council Chair, Vice-Chair, and Secretary.
2. The Council Chair and Vice-Chair shall serve as the Executive Committee Chair and Vice-Chair, respectively.
3. The Executive Committee shall have the following powers and duties, as well as, others that may be delegated by the Council:
  - a. to act for the full Council on emergency matters when the full Council cannot meet. In such cases, the Council will be notified of all actions at the next full Council meeting;
  - b. to monitor the internal and fiscal functions of the organization;
  - c. to report regularly its work and actions to the Council by forwarding Minutes of Executive Committee meetings to all Council members.

B. The Planning and Evaluation Committee

1. The chair of the Planning and Evaluation Committee shall be appointed by the Council chair;
2. The Planning and Evaluation Committee shall have the following duties:
  - a. to assume the lead in the preparation of the State Plan for Independent Living;
  - b. to ensure that techniques are in place to obtain consumer and public input into the development of the Plan;
  - c. to determine data needed to monitor the implementation of the Plan;

- d. to collect and analyze specified data in order to evaluate progress;
- e. to plan and oversee techniques for determining current needs and trends that should be considered in the development of future Plans.

C. The Systems Advocacy Committee

1. The chair of the Systems Advocacy Committee shall be appointed by the Council chair;
2. The Systems Advocacy Committee shall have the following duties, and others that may be delegated by the Council:
  - a. In conjunction with representatives from the state's network of CILs, to develop a three-year, proactive, systems advocacy plan;
  - b. To recruit, train, and involve people with disabilities and others in systems advocacy efforts;
  - c. To take the lead in organizing community response to emerging issues that require immediate action.

D. The Community Relations Committee

1. The chair of the Community Relations Committee shall be designated by the Council Chair.
2. The Community Relations Committee shall have the following duties, as well as, other responsibilities that may be delegated by the Council:
  - a. To monitor outreach and education activities conducted through and by the Council;
  - b. To take the lead in publishing a quarterly Council newsletter;
  - c. To monitor the content and presentation of information on the Council website;

- d. plan and implement strategies to advance public awareness of the work of the Council and the network of CILs.

## V. MEETINGS OF THE COUNCIL

The entire Council will meet a minimum of four times a year. Additional meetings of the full council, committees, and subcommittees may be called by the Chair, and are not to exceed provisions for this purpose in the budget.

### A. Quorum

Council business is conducted by a quorum. A quorum consists of a simple majority of the voting members present.

### B. Agenda

With input from Council members and agency liaisons, the Chair will prepare an agenda and ensure a copy in accessible format is sent to each member of the Council at least two weeks prior to each Council meeting.

### C. Public comments

The Council Chair shall ensure that the agenda for each full Council meeting allows an opportunity for the public to offer comments or questions to the Council about business items and other issues before the Council. The agenda and meeting notice will be published in the Texas Register one week prior to each meeting of the Council.

### D. Parliamentary Procedure

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the Council except as otherwise provided by these Council policies or by statute.

### E. Review and Discussion

Recognizing that committees have extensively reviewed and discussed items prior to offering recommendations for Council consideration, action by the full Council on committee recommendations shall be limited to:

1. voting to approve and/or amend a recommendation;
2. rejecting a recommendation through motion and Council vote;
3. voting to take no action on a recommendation;
4. asking questions aimed at clarifying the intent of committee recommendations to be answered by committee members only;
5. referring a recommendation back to the committee for further development and/or tabling a recommendation to a later date;
6. action taken by the full Council on any committee recommendations shall be limited to those items which have previously been posted in the agenda.

## VI. POLICIES

### A. Preferred Accessible Format

All materials related to Council business must be in preferred accessible format for Council members requiring such accommodation;

### B. Action

Any item requiring discussion and/or action at any full Council meeting must be received by each member in the preferred accessible format prior to the meeting.

### C. Individual Activities

A member shall give prior notice to the Chair of any planned activities in which such member is acting on behalf of the Council, representing the positions of the Council, carrying out the objectives in the State Plan, or conducting any activity related to the composition, structure, or funding of the Council. The Chair shall inform the Designated State Units and seek to ensure that activities of the Council are carried out as collaborative efforts and that members or other interested parties are informed. In such case that the Council charges a committee with certain tasks, an

individual on the committee shall give prior notice of planned activities to the Chair of the committee.

VII. AMENDMENTS TO BY-LAWS

- A. The Executive Committee shall be responsible for reviewing the By-Laws to address procedural obstacles encountered by the Council and shall develop proposed amendments for consideration by the Council.
- B. Individual members shall retain the right to propose amendments to the By-Laws for consideration by the Council.
- C. Any amendment to the By-Laws must be received by the full Council at least a minimum of two weeks prior to the meeting, where the amendments will be presented for vote. Amendments to the By-Laws must be approved by a two-thirds vote of the members present at the specified meeting.

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Approved By:

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6-3-2011

Date: