Nevada Statewide Independent Living Council (SILC) Bylaws

***Article I. Definitions***

The following terms are defined as:

**Administrator** - refers to the Administrator of the Administration on Community Living (ACL).

**ACL** – Administration for Community Living under the Department of Health and Human Services CIL – Centers for Independent Living, 420 nationally, two in NV, funded, with Title VII Part C Funds based on Annual Work Plans and 704 Performance Reports to the ACL, provide direct core services to individuals with disabilities, provide other services consistent with Federal and State Law, comply with CIL Standards and Indicators, Conduct Resource Development Activities for CILs, and Develop a SPIL with SILC (more than 50% of the CIL Directors to approve content of the SPIL).

**CIL Role -** Centers for Independent living aim to maximize individuals’ ability to live independently in the environment of their own choosing.

**Council** – NV SILC: Nevada Statewide Independent Living Council; a minimum of 51% individuals with disabilities.

**Department** - refers to the Nevada Department of Health and Human Services (DHHS).

**Deputy Director –** refers to the Deputy Director of Programs under DHHS.

**Director** - refers to the Director of the Department of Health and Human Services.

**DSE Representative** – The DSE staff chosen by the DHHS Director to represent the DSE.

**DSE Role** – Serve as grantee for Part B Funds, Account to SILC for budget and Disbursement of funds per SPIL, provide Administrative Support for State for IL Program, keep records, submit reports/information, retain not more than 5% of Part B for DSE administrative costs and sign the SPIL and agree to serve as the DSE and provide a DSE Representative to serve on the Council.

**Fiscal Staff** - refers to the Department of Health and Human Services fiscal staff.

**Network of Partners - E**ntities carrying out programs that provide Independent Living Services according to the IL Philosophy, or open to the IL Philosophy, including those serving older individuals, other community-based organizations that provide or coordinate the provision of housing, transportation, employment, information and referral assistance, services, and supports for individuals with significant disabilities, and entities carrying out other programs providing services for individuals with disabilities that are either in alignment with the IL Philosophy, or are open to adopting it.

**NRS** - refers to Nevada Revised Statutes.

**Persons with Disabilities** - includes both children and adults with a physical or mental (intellectual, emotional, cognitive or developmental) impairment that substantially limits one or more of the major life activities of the person.

**SILC Role** – Develop the SPIL, monitor review and evaluate the implementation of the SPIL, meet regularly, open meetings, reports including Program Progress Report (PPR) for SPIL fulfillment portion of PPR report Part I, coordinate activities with other entities in the State that provide services similar to or complementary to Independent Living Services such as entities that facilitate the provision for provide long-term community-based services and supports to avoid duplication of services.

**SILC Authorities** – 796d c 2 [705 c 2] conduct authorities as described in the law and outlined in the SPIL consistent with SPIL unless prohibited by state law. In order to improve services provided to individuals with disabilities, work with Centers for Independent Living to coordinate services with public and private entities, conduct resource development activities to support the activities described in this subsection or to support the provision of Independent Living Services by Centers for Independent Living and perform such other functions consistent with the purpose of this part and comparable to other functions described in this subsection as the Council determines to be appropriate.

**SPIL** – State Plan for Independent Living Developed by the SILC Chair and CIL Directors with public input from individuals with disabilities and other stakeholders statewide, must be signed by the DSE Director and not less than 51% of the CIL Directors, monitored by the SILC.

**The Act** - Rehabilitation Act of 1973 as amended

**WIOA** – The Workforce Innovation and Opportunity Act of 2014 (with amendments)

***Article II. Name***

WHEREAS, Title VII, Section 705 of the Rehabilitation Act of 1973, as amended by the 1998 amendments (Public law 105-220) (the Act) provides for the establishment of a Statewide Independent Living Council (the Council) consistent with the requirements of the Act; and

WHEREAS the Council coordinates with the Nevada Department of Health and Human Services, as the designated state entity (DSE) for independent living services, to promote a philosophy of independent living and empower individuals with disabilities to maximize leadership, economic self-sufficiency, independence, inclusion, and integration into society; and

WHEREAS the Council and the DSE coordinate with the Department of Health and Human Services, for the provision of independent living services;

The name of this organization shall be the NEVADA STATEWIDE INDEPENDENT LIVING COUNCIL, hereinafter referred to as the "Council" as established by an Executive Order 2017-12 by the Governor of the State of Nevada in 2017 and doing business as “NV SILC”.

***Article III. Mission***

The mission of the Council is to advocate for the development of a network of programs, services and options designed to empower Nevadans with disabilities to live independently in the community.

***Article IV. Purpose***

The general purpose of the Council is to fulfill its duties under Title VII, Part A, Section 705 of the Rehabilitation Act of 1973, as amended (hereinafter referred to as the "Act"). The Council shall be independent of the Designated State Entity (DSE).

The specific purpose of the Council is to promote the philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access and individual and system advocacy in order to maximize the leadership, empowerment, independence and productivity of individuals with disabilities, and promote the integration and full inclusion of individuals with disabilities into the mainstream of society. It is also to promote the development and expansion of independent living programs and concepts on a statewide basis, provide guidance to State agencies and local planning and administrative entities that are providing independent living services ~~assisted~~ pursuant to Title VII of the Act, provide guidance to State agencies and local planning and administrative entities that are providing independent living services, and to improve working relationships among councils, centers for independent living, State, federal, and non-federal programs.

Council meetings shall be held at accessible locations and/or virtually as selected by the council and coordinated by DSE Staff, as requested.

***Article V. Council Members***

The Governor of the State shall appoint the members to the Council after soliciting recommendations from organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. All appointees to the SILC will provide statewide representation, represent a broad range of individuals with disabilities, and be knowledgeable about centers for independent living, and a majority of appointees to the SILC will be persons with disabilities described in Section 7(8)(B) of the Rehabilitation Act of 1973 and subsequent amendments, and not employed by a State agency or center for independent living.

The Council shall have the duties and responsibilities consistent with the Act, State Law, and these Bylaws, including the management and control of the Title VII Part B funds and affairs of the Council as established by these Bylaws.

The Council shall include at least one director of a center for independent living chosen by the directors of centers for independent living within the State; as ex-officio, non-voting members (a) a representative from the designated State Entity; and (b) no more than four (4) representatives from other State agencies that provide services for individuals with disabilities; and a representative who is a director of a Section 121 Project (as described in the Act) if appropriate.

The Council may include other representatives from centers for independent living; parents and guardians of individuals with disabilities; advocates of and for individuals with disabilities; representatives from private business; representatives from organizations that provide services for individuals with disabilities; and other appropriate individuals.

The Council shall be composed of no more than 19 members who provide statewide representation; who represent individuals with a broad range of disabilities; and who are knowledgeable about centers for independent living and independent living services.

The voting members of the Council (the "Voting Members") shall be all members except ex-officio members identified above. The Voting Members shall have equal voting rights on all matters to come before the Council.

A majority of the members and a majority of the Voting Members shall be individuals with disabilities described in the Act Section 705 (3) (B) and not employed by any State agency or center for independent living.

Each member of the Council shall serve for a term of three (3) years except that a member appointed to fill a vacancy occurring prior to expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

No member of the Council may serve more than two (2) consecutive full (3-year) terms.

A vacancy occurring in the Council shall be filled in the same manner as the original appointment, as described in Article VII, ‘the officers shall be elected as follows’.” The vacancy shall not affect the power of the remaining members to execute the duties of the Council. When a member in good standing has applied for their second term, that member may proceed as if the appointment has already been made in matters of voting and other Council duties unless and until such time the Governor’s Office informs us the appointment will not be made, or if that member chooses to retract his or her application.

If a Council Member misses three (3) Council and/or standing committee meetings within a calendar year, the Council may remove that member by an affirmative vote of the majority of the members present at a meeting of the Council. The Council member will be given an opportunity to be present and to be heard at the meeting at which his or her removal is considered.

***Article VI. Council Duties and Responsibilities***

In accordance with the purpose described in Article III, the following shall constitute the responsibilities of the Council:

1. to develop and submit, in conjunction with the Designated State Entity, the State Plan for Independent Living ("SPIL") addressing the need for independent living services and programs within the State and resource allocation;

2. to monitor, review, and evaluate the implementation of the SPIL;

3. to coordinate activities with the State Rehabilitation Advisory Council and councils that address needs of specific disability populations and issues under other Federal law;

4. to ensure that all regularly scheduled meetings of the Council are open to the public and sufficient advance notice is provided; and

5. to maintain records and submit periodic reports to the Administrator of the Administration for Community Living of the Department of Health and Human Services.

The Council is authorized to hold such hearings and forums it may determine to be necessary to carry out its duties.

The Council shall prepare in conjunction with the Designated State Entity a budget for the operation of the Council. The budget should include, if funded by Title VII, Part B or Innovation and Expansion (I & E) funding: Staff/Personnel; Operating expenses; Council compensation and expenses; Meeting expenses, including public hearing expenses, such as meeting space, alternate formats, interpreters, and other accommodations; Resources to attend and/or secure training for staff and Council members; and other costs as appropriate.

The Council Chair shall supervise the Executive Director, or the Vice-Chair in the Chair’s absence, and the Executive Director shall, consistent with State Law and these Bylaws, supervise and evaluate all other staff and personnel employed by the Council as may be necessary to carry out the functions of the Council as per 45 CFR1329.15(e).

Council staff and Council members alike must adhere to the Code of Ethics as outlined in the Policy and Procedure Manual, and all established SILC policies supercede State policy where law is allowed, so as to maintain Council autonomy per federal guidelines. The Executive Team may make administrative decisions for the Council where necessary, including where it is not defined in policy.

***Article VII. Officers***

The officers of the Council shall be Chairperson, Vice-Chairperson, Treasurer and Secretary.

The Chairperson shall:

1. Develop the agenda, in accordance with Article IX Section D, and preside at all meetings of the Council;
2. Subject to the control of the Council, exercise the general supervision and control of the business, affairs and Executive Director of the Council;
3. Establish standing and ad hoc committees and task forces to assist the Council or committees in carrying out their respective responsibilities and designate the chair of all committees and task forces;
4. Be the official spokesperson for the Council and provide oversight in the development and preparation of the State Plan for Independent Living; and
5. Execute on behalf of the Council all contracts, deeds, conveyances, and other instruments in writing that may be required for the proper and necessary transaction of the business of the Council as authorized by the Council, or designate, on occasion, the Executive Director to provide appropriate execution of such.

The Vice-Chairperson shall:

1. In the absence of the Chairperson, perform the Chairperson’s duties; and
2. Assume the position of acting Chairperson if the position of the Chairperson is vacated, until such time as a new Chairperson is elected.

Any officer of the Council, in addition to the powers conferred upon him or her by these Bylaws, will have such additional powers and perform such additional duties as may be prescribed from time to time by the Council.

The officers shall be elected as follows:

The Chairperson and Vice-Chairperson shall be appointed by the majority vote of current members, the Treasurer and Secretary shall be appointed by the Chairperson, and all members will be appointed by the Governor after recommendations have been made by the Council. No member of the Council may serve more than two (2) consecutive full terms of three (3) years 705 (6) (B).

To assure an open election process, floor nominations will be accepted. A nominee must be a current voting member in good standing.

 A vacancy in any office, because of death, resignation, removal or any other cause, shall be filled by an appointment by the Council and such appointee shall serve for the unexpired portion of the term until the election of a successor.

***Article VIII. Procedures***

All meetings of the Council shall be conducted according to the Nevada Open Meeting Law, NRS Title NRS 241.020.,

In order to conduct any official business, a quorum must be present among voting members. A quorum shall consist of fifty-one percent (51%) of the current Voting Members.

All voting of the Council shall be conducted as follows:

Each Voting Member shall have one vote.

All decisions shall be made by a majority vote of the Voting Members present at a meeting at which there is a quorum.

All votes will be by voice unless there is a request by a member for a roll call vote.

Ex-officio members may not vote or present motions but may state recommendations.

Proxy voting will not be permitted.

A tied or equally split vote shall be resolved by the Executive Director. If the Executive Director would be considered to have a conflict of interest in the vote at hand, the DSE representative shall then break the tied vote. The Executive Director or DSE representative will only vote to break a tie, and shall not be considered a voting member for any other purposes.

The meetings of the Council shall take place as follows:

The Council shall meet at least once annually for the purpose of electing officers and transacting other business. Nominations shall be presented for election of the Chair and/or Vice-Chair.

The Council shall meet at least four (4) times per year, on such dates as shall be determined by the Council, to transact the business of the Council. The annual meeting of the Council may be counted as a regular meeting.

A special meeting of the Council may be called by the Chairperson or Vice-Chairperson and must be called by the Chairperson or Vice-Chairperson when requested by at least three (3) members of the Council. Members must receive notice of special meetings at least five (5) working days in advance of said meeting.

The meeting time and location of each meeting shall be specified by the Chairperson with input from the Council. Participation in a meeting pursuant to this paragraph shall constitute presence in person or remotely at such meeting.

The agendas for Council meetings shall be prepared as follows:

Agendas for regular and annual meetings shall be developed by the Chairperson with the assistance of the Executive Director, Council and/or DSE Staff. Council members, other agencies, groups, organizations, or individuals desiring to place items on the agenda of a regular or annual meeting must present those items and statements of their purpose to the Chairperson not less than ten (10) working days before a forthcoming meeting, and the Chairperson shall include timely requested items on the agenda for such meeting. Agendas for special meetings shall be developed by the Chairperson with the assistance of the person requesting such meeting.

The opportunity for public comment will be provided on each agenda per Open Meeting Law.

Minutes shall be kept of all Council meetings for a period of 3 years by the DSE

In questions of parliamentary procedure, Roberts’ Rules of Order shall be followed.

Regarding any potential conflict of interest:

Personal financial gain and private benefit to a Council/Subcommittee member or his/her spouse, child, stepchild, parent or stepparent through the member’s participation on the Council shall be considered a conflict of interest. The following apply:

No Council/Subcommittee member or immediate family member mentioned in 6.9(1) above shall seek to influence any vote regarding the awarding of a contract, a grant or other business from the Council/Subcommittee when the individual knows that he or she has a direct or indirect financial interest in the awarding of such a contract or grant or other business.

“Direct financial interest” is a situation that would result in a pecuniary benefit in the form of cash, salary or property to a person or his/her immediate family;

“Indirect financial interest” is any situation that will result in a financial advantage to another person or organization with which a person has a relationship or association.

Nothing herein shall be construed to prohibit any firm, agency or organization that any member or immediate family member is associated with from appearing before the Council/Subcommittee as part of the normal course business by the firm, agency or organization. Nor shall it be construed that employment in any firm, agency, or organization that any member or immediate family member is associated with prohibit any member from engaging in discussion of, presentation on, or vote on business that comes before the Council/Subcommittee as part of the normal course of its activities.

Any member, or family member of a Council member, who is a recipient of services from any division of the Department shall not be construed as having a conflict solely as a result of having a disability, being a recipient of services from any division of the Department or having a familial relationship with an individual with a disability or recipient of services from a division within the Department.

Any member who is also a consumer of services from any agency, organization or project that receives funds through any Division of the Department shall not be considered to have a conflict of interest if his or her participation with that agency, organization or project is only as a consumer of services and does not exercise any administrative or decision-making authority in that project or organization.

All members shall disclose conflicts of interest to the Chair of the Council/Subcommittee, including uncertain or potential conflicts, as soon as the conflict becomes apparent. Members and/or staff have an ongoing duty to disclose any conflicts of interest.

A disclosure of a conflict, including refraining from voting on applicable items, shall be made at all applicable times.

If a member is uncertain whether a conflict may exist in a specific situation, the Council/Subcommittee shall determine if a conflict exists in consultation with the Deputy Director or Department staff as appropriate.

Disclosure of any conflicts of interest shall be recorded in the meeting minutes.

A member who discloses or has been found to have a conflict of interest must not participate in any discussion on any matter related to the subject of the conflict or unduly influence or vote in those areas where a conflict has arisen.

Any member may bring suspected violations of this policy to the Council/Subcommittee Chair.

Once an allegation of a conflict has been brought to Chair’s attention, the Chair shall notify the Deputy Director and the member alleged to have violated the conflict-of-interest provisions of the allegation. Once a conflict has been reported, the Deputy Director or his/her designee will gather pertinent information regarding the alleged conflict of interest violation and provide such information to the Council.

Once the pertinent information has been gathered by the Deputy Director or his/her designee, the information will be forwarded to the Council for a determination of whether a conflict of interest exists at the Council’s next regularly scheduled meeting.

Once the Council determines if an allegation of a conflict-of-interest violation has been substantiated, the Council shall determine if the violation is intentional or unintentional.

If it is determined by a majority vote of the Council that a violation of the conflict-of-interest provisions was intentional, the Council shall vote on the appropriate sanction, up to and including recommendation for removal of the member found to have a conflict of interest to the Appointing Authority and Council or Subcommittee.

If it is determined by a majority vote of the Council that a violation of the conflict-of-interest provisions was unintentional, the Council, in consultation with the Deputy Director, and other Department staff as appropriate, shall define the area of the conflict of interest and instruct the Council member to refrain from participation or discussion when that area is the subject of any Council actions.

Every appointed council member and assigned staff will adhere to the Code of Ethics as prescribed in the policy and procedure manual, regardless of a signed acknowledgement on file. The SILC will maintain a policy and procedure manual that outlines Code of Ethics violations and consequences for breaking them. Violations and consequences will be assigned by the council Chair, Vice-Chair and Executive Director unless the violation or violations are committed by the Chair, Vice-Chair and/or Executive Director; in which case they will be decided by the remaining officer(s).

***Article IX. Committees***

The Chairperson shall establish such ad hoc committees as necessary to carry out the specific duties and functions of the Council and designate from the Council a chairperson for each committee. All chairpersons are responsible and accountable for their committees and the funds allocated for their committee operations.

All Council subcommittees shall consist of not less than two (2) members from the Council as appointed by the Chairperson and may include additional persons who are not Council members.

***Article X. Compensation, Reimbursements, and Resignations.***

The Council may use Council resources to reimburse members of the Council or any committee for reasonable and necessary expenses of attending Council or committee meetings and performing Council or committee duties (including child care and personal assistance services), and to pay reasonable compensation to a member of the Council or committee, if such member is not employed or must forfeit wages from other employment, for each day or portion of a day the member is engaged in performing Council or committee duties at a rate of up to $80.00 per day.

Any member of the Council or a committee may resign at any time by giving notice of his or her resignation to the Chairperson. Such resignation shall take effect at the time specified therein or, if no time is specified, at the time of the receipt thereof, and, unless otherwise specified in the notice, the acceptance of such resignation shall not be necessary to make it effective.

If the Chairperson resigns, he / she shall submit, in writing, a letter of resignation to the Vice-Chairperson and Executive Director or DSE staff. The Vice-Chair shall assume the Chairperson’s responsibilities when the Chairperson resigns. If there is no designated Chair or Vice Chair, the Executive Director or staff will coordinate an interim election at the next available meeting date.

***Article XI. Fiscal Year.***

The fiscal year of the Council will follow Federal Part B funding timelines, except where DSE State fiscal year budget supersedes those timelines.

***Article XII. Role of the Designated State Entity***

Designation of State Entity. The SPIL shall designate a State entity selected by the Nevada Statewide Independent Living Council (referred to in this title as the “Designated State Entity” or “DSE”) as the agency that, on behalf of the State, shall receive, account for, and disburse funds received by the State under this chapter based on the plan; provide administrative support services for any program under part B; keep such records and afford such access to records as the Administrator finds to be necessary with respect to the programs; submit additional information or provide assurances as the Administrator may require with respect to the programs; and retain not more than 5 percent of the funds received by the State for any fiscal year under part B, for the performance of the services outlined in paragraphs (2) through (4), section 704, paragraph (5) (C).

On behalf of the Council, the Designated State Entity shall coordinate activities to assure that the minutes and agenda are distributed to the Council, and present a full report of the transactions and affairs on behalf of the Council for the preceding year, if applicable.

***Article XIII. Amendments.***

These Bylaws may be amended at any regularly scheduled meeting of the Council by a two-thirds (2/3) vote of the current Voting Members, provided that the amendment has been submitted in accessible formats to each member of the Council at the meeting immediately prior to the meeting at which such amendment shall be voted on and provided that the amendment is not in conflict with any applicable state and federal laws and regulations.