

# **Colorado Statewide Independent Living Council**

## **BY-LAWS**

Revised September 20, 2017

### **Article I - Name**

This Colorado Statewide Independent Living Council is established under the authority of Section 705 of the Federal Rehabilitation Act of 1973, as amended. This Council (as referred to in these By-Laws) shall be known as the Statewide Independent Living Council (SILC), hereafter referred to as the SILC or the Council.

### **Article II - Mission**

Paving pathways to full participation in communities for people with disabilities and supporting the Colorado Centers for Independent Living (CILs).

### **Article III - Purpose**

The Council shall fulfill the requirements of Section 705 of the Federal Rehabilitation Act of 1973, as amended (referred to herein as the Act). In this capacity, the Council shall:

- A.** Promote a philosophy of independent living (IL) that includes consumer control, peer support, self-help, self-determination, equal access, and individual, and system advocacy, which maximizes the leadership, empowerment, independence, and productivity of individuals with significant disabilities;
- B.** Promote and maximize the integration and full inclusion of individuals with significant disabilities into the mainstream of American society;
- C.** Jointly develop and submit, in conjunction with the Executive Directors of the Centers for Independent Living (CILs) the State Plan for Independent Living (SPIL) as required in Section 704 of the Act;
- D.** Monitor, review, and evaluate the implementation of the State Plan;
- E.** Coordinate activities with the State Rehabilitation Council (SRC);
- F.** Ensure that all regularly scheduled meetings of the Council are open to the public and sufficient notice is provided;

- G.** Submit to the Commissioner per Section 704 of the State Plan such periodic reports as the Commissioner may reasonably request, and keep such records as the Commissioner finds necessary to verify such reports;
- H.** Provide guidance and financial assistance for the development, expansion, or improvement of statewide independent living programs and concepts;
- I.** Provide guidance to State agencies and to local planning and administrative entities assisted under Title VII of the Rehabilitation Act of 1973 (Act), as amended;
- J.** Advocate for improving working relationships among the various entities providing services to and for persons with significant disabilities; and,
- K.** The Council may assume other functions that they determine necessary and appropriate, consistent with their purposes.

#### **Article IV - Relationship with the Designated State Entity**

- A.** The Council shall be independent from the Designated State Entity (DSE) and all other state agencies;
- B.** The Council shall share with the Executive Directors of the CILs the responsibility for the developing, submitting, monitoring, reviewing, and evaluating of the implementation of the State Plan;
- C.** The Office of Independent Living Program Manager or Coordinator, as liaison to the Council, is responsible for attending, in a non-member, non-voting capacity, all of the Council meetings, to serve in an advisory and resource capacity to the Council by providing technical assistance regarding federal regulations, federal funding availability, program statistics, and other such information as may be determined necessary by the Council in order to fulfill its responsibilities; and,
- D.** The SILC Chairperson, or person designated by the Chairperson, shall serve as a member of the Colorado State Rehabilitation Council (SRC), which has the responsibility of advising the Director of Division of Vocational Rehabilitation (DVR) concerning vocational rehabilitation and other needs of persons with disabilities.

#### **Article V - Adoption and Revision of By-Laws**

- A.** By-Laws shall be reviewed at least every other year;
- B.** By-Laws will be adopted or revised only in accordance with established voting procedures of the Council at a Council meeting. Written drafts of any substantial revisions will be developed and distributed to all members thirty days in advance of voting;

- C. Revisions will become effective immediately unless indicated otherwise by the passed motion;
- D. Copies of the By-Laws and revisions will be provided to all Council members and Colorado Division of Vocational Rehabilitation (DVR), Office of Independent Living (OIL) liaisons within one (1) month following adoption and thereafter to other parties upon request. Copies shall be provided in an accommodation form upon request. The most current By-Laws will be posted on the SILC website.

## **Article VI - Membership**

### **A. Composition**

The Council shall include:

1. One director of a center for independent living chosen by the Directors of Centers for Independent Living within the State. As a designee of the Center Directors, this member will either complete the term of the former center representative, or may begin a new term when necessary. This representative may only serve on the SILC for as long as he or she remains the designee of the Directors of Centers for Independent Living. When a new designee is elected, the current designee must resign and vacate the position. The term length cannot exceed terms set forth in these By-Laws and in Title VII, Section 705 of the Act;
2. As ex-officio, nonvoting members:
  - a. a representative from the designated state entity;
  - b. representatives from other state agencies that provide services for individuals with disabilities; and
3. At least one Native American Tribal representative;
4. Additional Members

The Council may include:

- a. other representatives from Centers for Independent Living; however, only one staff member, board member or volunteer from any one CIL may serve at one time;
- b. parents and guardians of individuals with disabilities;
- c. advocates of and for individuals with disabilities;

- d. representatives from private business;
- e. representatives from organizations that provide services for individuals with disabilities; and,
- f. other appropriate individuals.

## **B. Qualifications**

The Council shall be composed of members:

- 1. Who provide statewide representation;
- 2. Who represent a broad range of individuals with disabilities;
- 3. Who are knowledgeable about Centers for Independent Living and independent living services; and,
- 4. A majority of whom are persons who are:
  - a. individuals with disabilities described in Section 6 (20) (B) of the Act; and
  - b. not employed by any State agency or Center for Independent Living;

The Council shall adhere to a policy of non-discrimination based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, disability, or economic status.

## **C. Responsibilities**

- 1. Attend and participate in all regularly scheduled meetings;
- 2. Sit on at least one SILC committee;
- 3. Bring information and issues of concern to the SILC;
- 4. Act as a liaison with other organizations and stakeholders invested in advancing issues important to persons with disabilities; and
- 5. Disseminate information to the community.

## **D. Application Process**

- 1. An interested individual submits to the Membership Committee a resume' along with a completed Pre-Application; Pre-Application forms will be furnished by the Membership Committee Chair or may be found online at SILC website;

2. The Membership Committee reviews the Pre-Application to determine if an interview is appropriate;
3. Appropriate Candidates are interviewed by at least two Membership Committee members including the SILC Chair or designee;
4. Prospective Candidates are requested to attend at least one full SILC meeting;
5. Membership Committee members may provide comments and recommendations about the candidate to the full Council;
6. The full Council must vote to accept the new member;
7. Candidates that meet the needs of SILC and who have been approved by SILC must complete the Governor's Boards and Commissions official application (found online) and submit it to SILC along with their resume';
8. Formal paperwork is submitted to DVR for their internal process and then forwarded to the Governor's Office of Boards and Commissions.

#### **E. Appointment**

1. The Governor of Colorado, upon recommendation of the Council or its designee and the Director of DVR, shall appoint members to the Council; and
2. Appointees and the Council will be notified of appointments in writing.

#### **F. Orientation**

1. Newly appointed members of the Council shall be provided an orientation to the Council's goals, objectives, and operations by the Council Chairperson or designee, and an orientation to independent living concepts and services;
2. Newly appointed members of the Council may request a Council mentor if so desired;
3. An Orientation Packet, relative to carrying out a Council member's roles and responsibilities, will be provided to each new member by the SILC Chairperson or designee; and
4. Newly appointed members of the Council will be assigned a Center for Independent Living (CIL) to adopt in order to learn about the CIL, independent living, and services. Members may be asked to share information with the Council at meetings

#### **G. Length of Term**

1. A new Council member's term will be specified upon their initial appointment. Council members' terms shall provide for expiration on a staggered basis. Council members will be appointed for a term of three years unless he/she is filling an unexpired term or a shorter initial period is necessary in order to maintain staggered expiration dates;
2. No member of the Council may serve for more than two consecutive terms. §364.21 (f)(3);
3. After a one year hiatus from SILC, a person may reapply for membership.

#### **H. Early Termination of Appointment**

1. Any member wishing to terminate his or her appointment, prior to the expiration of the term, must submit a written notice of their resignation to the Governor of Colorado and the Council Chairperson; and
2. Members may be removed for failure to attend Council meetings or to carry out his or her Council responsibilities appropriately. If a member fails to attend three (3) Council meetings, during the course of any given fiscal year, without an excused absence, the Chairperson will recommend to the Governor the termination of the individual's appointment to the Council. The Governor will provide written notice of any early termination to a Council member and the Council Chairperson. The only exception to this rule is when the Chairperson approves a leave of absence for up to four months due to personal or family related medical reasons or a job change.

#### **I. Filling Vacancies**

1. Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council; and
2. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed, shall be appointed for the remainder of such term.

#### **J. Compensation**

1. Members shall serve without monetary compensation except for the reimbursement of budgeted expenses incurred as a result of participation on the Council;
2. Applicants interested in serving on the Council shall be reimbursed for travel expenses incurred as a result of interviews and participation while the Council is pursuing their membership;

3. Non-members may be reimbursed for expenses related to completion of Council business if approved by the full SILC; and
4. In an effort to maintain a diverse and knowledgeable membership, and if included in the SILC's current budget, the Colorado SILC will offer a stipend to SILC members who lose wages due to their participation in SILC meetings and conferences. The member must provide verification of employment and documentation signed by the employer indicating the amount of wages lost. The maximum stipend will be \$50 per day. The SILC member will submit a request for payment. Payment of the stipend will be made directly to the SILC member.

## **Article VII - Principal Officers – Chairperson, Chairperson-Elect, Secretary, Treasurer**

### **A. Nomination**

1. Nominations for Chairperson, Chairperson-Elect, Secretary, and Treasurer will be made by Council members to the Nominating Committee Chairperson appointed by the Chairperson and presented to the full Council at the regularly scheduled Council meeting immediately prior to October 1<sup>st</sup>.

### **B. Election**

1. Elections will coincide with the Federal Fiscal Year and will be held before October 1<sup>st</sup> of each year;
2. Officers, Chairperson, Chairperson-Elect, Secretary, and Treasurer will be elected by a simple majority vote of members present, provided that a quorum of the voting members is present; and
3. Acceptance of a principal officer position by the elected individual may be verbally acknowledged immediately upon election (if present) or by his or her acceptance of the minutes of the meeting wherein the election occurred.

### **C. Chairperson**

1. The Council Chairperson shall be elected by a secret ballot from among the voting Council membership. A person with a disability as described in Section 6 (20) (B) of the Act should be given primary consideration for the position of Chairperson;
2. It shall be the responsibility of the Chairperson to:
  - a. chair Council meetings; and
  - b. sign documents and speak on behalf of the Council, with Council ratification as appropriate.

3. If the Chairperson isn't present or available to sign a document on behalf of the SILC, the Chairperson-Elect will sign the document. If neither of these individuals are present/available to sign a document, the Secretary will sign the document on behalf of SILC;
4. Submit to the Governor through the Director of DVR recommendations for appointments to the Council;
5. Appoint committee chairpersons and establish standing and ad hoc committees as needed by the Council;
6. Work with committees as necessary to insure Council effectiveness and to establish Council direction;
7. Monitor Council member participation, take action to elicit full participation and, if needed, request early termination of a member's appointment to the Council; and
8. Serve as a member of the Colorado State Rehabilitation Council (SRC) or designate another individual to serve in this capacity.

#### **D. Chairperson-Elect**

1. The Chairperson-Elect will carry out the Chairperson's responsibilities in his or her absence, and will assist the Chairperson in carrying out those responsibilities, upon the Chairperson's request;
2. The Chairperson-Elect will ascend to the position of Chairperson upon the early termination or resignation of the Chairperson's term of office; and
3. The Chairperson-Elect will serve as the Chair of the State Plan for Independent Living (SPIL) Committee.

#### **E. Secretary**

1. Assure that accurate attendance and proceedings of Council meetings are documented in minutes;
2. Distribute or arrange for distribution of minutes; and
3. Serve as or delegate responsibility as custodian of minutes and other Council records/documents.

#### **F. Treasurer**



1. Monitor the SILC budget, including expenses;
2. Establish and Chair a Finance Committee;
3. Prepare an informal Financial Report to be given at the SILC Executive Committee meeting each month and at the Council meeting whenever such report is on the agenda.
4. Keep the SILC informed about the need for adjustments to budget line items. The Treasurer may not make unilateral changes to the budget, and does not have decision-making authority over SILC funds, without the Council's approval.

#### **G. Length of Term**

1. Officers, Chairperson, Chairperson-Elect, Secretary, and Treasurer shall be elected by the Council to serve a one (1) year term. Terms will coincide with the Federal Fiscal Year (October 1<sup>st</sup> - September 30<sup>th</sup>) and officers will formally take office on October 1<sup>st</sup>;
2. No individual may serve in the same officer position for more than two (2) full consecutive terms.

#### **H. Early Termination of Office**

1. Officers, Chairperson, Chairperson-Elect, Secretary, and Treasurer may be subject to removal from their office position for failure to appropriately carry out the duties of their office position;
2. If an officer, Chairperson-Elect, Secretary, and Treasurer neglects to carry out the duties of their office, and is unresponsive to the Chairperson's request for improved performance, the Chairperson may appoint an interim officer who will carry out all duties of the office, including attendance and voting at Executive Committee meetings. This interim officer will be presented to the Executive Committee for approval, and will serve until the officer resigns, or is removed from their office position in accordance with these By-Laws;
3. If the Council Chairperson neglects to carry out the duties of their office, and is unresponsive to the Executive Committee's request for improved performance, the Chairperson-Elect will be an Interim Council Chairperson and will carry out all duties of the office until the Council Chairperson resigns, or is removed from office in accordance with these By-Laws;
4. Any officer, Chairperson, Chairperson-Elect, Secretary, or Treasurer may be removed from office for failure to appropriately carry out the duties of their office by a two-

thirds (2/3) majority vote by the Council. This vote may be held in-person, by phone or electronically;

5. Replacement of an officer, Chairperson, Chairperson-Elect, Secretary, or Treasurer who has resigned or has been removed shall take place at the next regularly scheduled meeting as described in these By-Laws, unless the Chairperson or Executive Committee deems it necessary or prudent to call for an emergency vote of the full SILC membership to fill the position. An emergency vote may be held in-person, by phone or electronically;
6. If the Chairperson wishes to terminate his or her office prior to the expiration of their term, he or she may do so by submitting a written notice of resignation to the Chairperson-Elect;
7. If the Chairperson-Elect, Secretary, or Treasurer wishes to terminate their respective office prior to the expiration of their term, he or she may do so by submitting a written notice of resignation to the Chairperson.

## **Article VIII – Meetings**

### **A. Scheduling/Notice**

1. The Chairperson (in consultation with Council) shall establish a regular, on-going schedule for Council meetings at the beginning of each new State Fiscal Year (SFY). The schedule will be published at that time. Each member will be notified of the date, time, and location of the meeting at least one (1) month in advance;
2. The Council shall meet at least four (4) times in each calendar year or as often as needed and as funds are available;
3. All SILC meetings will be held at a location that meets accessibility standards of the American Disability Act (ADA) and will include provisions for a sign language interpreter for persons with hearing impairments, travel accommodations for Council members needing transportation, and other reasonable adaptations needed for Council members and guests with disabilities;
4. All regularly scheduled Council meetings shall be open to the public. Advance notice of such meetings shall be given, allowing sufficient time to allow members of the public reasonable opportunity to attend;
5. It is the intent of the Council to meet face-to-face at its regularly scheduled meetings. However, committee meetings may occur using electronic media;

6. Special meetings may be held as determined by the Council Chairperson and each member will be notified in advance of such meetings; and
7. Although meetings may be conducted without a quorum present, motions and other formal actions may be voted on or approved only when a quorum is present, which is defined as a majority of voting SILC members.

## **B. Conduct**

1. All SILC and Executive Committee meetings will be conducted similarly to Robert's Rules of Order, unless otherwise indicated by these By-Laws. Committee meetings may operate in a less formal manner.

## **C. Minutes**

1. Attendance and proceedings of all meetings will be recorded and documented in the minutes. Copies of minutes will be distributed to all members and DVR, OIL liaison(s) within two (2) weeks following the meeting, and to any other party upon request;
2. Minutes will be reviewed for approval or modification and adoption at the next SILC meeting; and
3. Minutes will be made available in large print or Braille upon request.

## **D. Voting**

1. Motions may be made, discussed, and voted upon as necessary to accomplish Council purposes, nominations and elections, and other Council business, keeping the following in mind: If a quorum is present, a motion can be approved or disapproved by a simple majority of those voting members present;
2. Issues needing a vote in between meetings of the Council or the Executive Committee may be voted upon using electronic media. E-mail votes may occur when information is sent out in advance, an opportunity for questions to be answered is available and a reasonable deadline is set for response by a quorum of voting members;
3. Any member present at a meeting who has a real or perceived professional, financial, personal, or legal conflict of interest, with regard to any motion made or issue presented for discussion, shall announce the conflict and abstain from voting on that motion; and
4. If a Council member is unable to attend a Council meeting and wishes to vote on an issue presented before the Council, the Council member may vote by mail or E-mail prior to the meeting, or by proxy through the designation of another Council member

as representative of the absent Council member. A Council member is allowed only two proxy votes in a given year.

## **Article IX - Committees**

### **A. Executive Committee**

1. The four officers, Chairperson, Chairperson-Elect, Secretary, Treasurer, and chairpersons of the standing committees shall serve as the members of the Executive Committee. For purposes of a quorum, there must be a majority of Executive Committee members present in order to conduct business;
2. The Council, at regularly scheduled meetings, may empower the Executive Committee to act for the Council on specifically designated issues for which specific action is required prior to the next scheduled Council meeting; and
3. The Executive Committee will only vote without the approval of the full Council when approving their minutes from Executive Committee meetings.

### **B. Membership on Committees**

1. Committee members may include Council members and, where appropriate, non-Council members;
2. The Chairperson of each Standing Committee shall be a Council member, shall be appointed by the Council Chairperson, and shall also serve as an Executive Committee member; and
3. The Chairperson of each committee shall determine the roles and responsibilities of committee members.

### **C. Standing Committees**

Standing committees may be dissolved or reorganized upon the recommendation of the SILC Chairperson and by vote of the Council.

1. **Finance Committee** – Develops the three-year Resource Budget for the SILC, monitors SILC expenditures, and makes recommendations for changes in spending as necessary;
2. **Membership and Nomination Committee** – Periodically reviews SILC membership to determine compliance with Title VII, Section 705 (Act). The committee creates a recruitment plan to target potential members who will meet compliance requirements, fill vacancies, and serve the needs of SILC. This committee implements the recruitment

- plan, reviews member applications, interviews potential members, and makes recommendations to the Council;
3. **Public Policy Committee** – Works on advocacy issues as identified in the SILC State Plan or as they arise and are approved by SILC and/or Executive Committee; research and present information, advocacy letters, and position statements for SILC Executive Committee approval before disseminating to the disability community, policy makers, the press and general public;
  4. **SPIL Committee** – This Committee has two purposes: 1) to gather information to create a new State Plan for Independent Living and; 2) to monitor the progress of the current SPIL. In addition to SILC members the committee will include at least one representative of the DSE and two directors of Colorado CILs;
  5. **Youth Committee** – The role of the Youth Committee (YC) is to carry out SILC’s youth related state plan goals, objectives, and tasks, and assist in the development and execution of an annual work plan. In addition, members foster and maintain relationships with other disability-related youth organizations within the catchment areas of the statewide Centers for Independent Living (CILs), and support the Colorado SILC’s Youth Advisory Council (YAC) and committee volunteer interns. The Committee includes at least one representative from each CIL catchment area; and
  6. **Communication and Media Committee** – Goals of the Committee are to review, standardize, monitor, update, research and distribute all forms of SILC communication. Forms of communication include but are not limited to SILC’s website, social media, flyers, announcements, newsletters, meeting attendance, templates, surveys, and data collection. This Committee researches and makes recommendations for disseminating and transmitting information to SILC members, CILs, organizations, and the public. Members of this Committee work in conjunction with other SILC committees for consistency as well as accessibility, distribution, and collection of information.
  7. **Training Committee** – Purpose of the Committee is to develop training manuals and materials, present an orientation and on-boarding for new SILC members, and provide on-going member training.

#### **D. Other Committees**

1. The Chairperson may establish ad hoc committees as he or she deems appropriate to carry out the goals, objectives, and other activities of the Council. Such ad hoc committees could be used to review the By-Laws, work with Center Directors on standardizing data collection terms or other such specific, focused, and short-term goals. Ad hoc committees must be chaired by a Council member and may include members from outside SILC who have an interest or expertise.

## **Article X - Conferences and Travel on Behalf of SILC**

- A.** From time-to-time, SILC may send members, and non-members who are closely affiliated with SILC and working on a SILC or SPIL-related goal or objective, to IL-related conferences and training, as funding allows;
- B.** This travel may be out-of-state. Costs for such travel will follow State Travel Rules. State Travel Rules require approvals through the State Department that the Designated State Entity (DSE) is housed in;
- C.** Individuals may request or volunteer to attend such events. The decision as to who to send rests with the Council who will consider the member's or other affiliated person's commitment and follow-through on his/her responsibilities as listed in these By-Laws (Sections VI. Membership, Article C and IX. Committees, Article C, Section 5, Youth Committee);
- D.** Members and other affiliated persons who do travel and represent SILC are required to make a report on what they learned to SILC at its next regularly scheduled meeting.