

**MINNESOTA STATE COUNCIL ON DISABILITY BY-LAWS**

Revised June, 2017

## ARTICLE I. PURPOSE, POWERS AND DUTIES

### SECTION 1 - PURPOSE

1. The Minnesota State Council on Disability (Council on Disability) was created by the 1973 Minnesota State Legislature (1973 Session Laws, CH 757) as an advisory committee within state government to supplement the efforts of advocacy groups in the private sector and link those who are statutorily responsible for planning and delivering services in an ongoing body.
2. The Minnesota State Council on Disability is an agency that advises, provides technical assistance, collaborates and advocates to expand opportunities, improve the quality of life and empower all persons with disabilities.

### SECTION 2. POWERS AND DUTIES

The Council on Disability has powers and duties pursuant to MS 256.482 Subdivision 5:

#### Subd. 5. Duties and powers.

The Council on Disability shall have the following duties and powers:

1. to advise and otherwise aid the governor; appropriate state agencies, including but not limited to the Departments of Education, Human Services, Employment and Economic Development, and Human Rights and the Divisions of Rehabilitation Services and Services for the Blind; the state legislature; and the public on matters pertaining to public policy and the administration of programs, services, and facilities for persons who have a disability in Minnesota;
2. to encourage and assist in the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and private providers of service as they relate to persons with a disability;
3. to serve as a source of information to the public regarding all services, programs and legislation pertaining to persons with a disability;
4. to review and make comment to the governor, state agencies, the legislature, and the public concerning adequacy of state programs, plans and budgets for services to persons with a disability and for funding under the various federal grant programs;
5. to research, formulate and advocate plans, programs and policies which will serve the needs of persons who are disabled;
6. to advise the Departments of Labor and Industry and Employment and Economic Development on the administration and improvement of the workers' compensation law as it relates to programs, facilities and personnel providing assistance to workers who are injured and disabled;
7. to advise the Workers' Compensation Division of the Department of Labor and Industry and the Workers' Compensation Court of Appeals as to the necessity and extent of any alteration or remodeling of an existing residence or the building or purchase of a new or different residence which is proposed by a licensed architect under section [176.137](https://www.revisor.mn.gov/statutes?id=176.137#stat.176.137);
8. to initiate or seek to intervene as a party in any administrative proceeding and judicial review thereof to protect and advance the right of all persons who are disabled to an accessible physical environment as provided in section [326B.139](https://www.revisor.mn.gov/statutes?id=326B.139#stat.326B.139); and
9. to initiate or seek to intervene as a party in any administrative or judicial proceeding which concerns programs or services provided by public or private agencies or organizations and which directly affects the legal rights of persons with a disability.

**Furthermore, The Council on Disability shall:**

1. Review disability issues, policies and programs and advise the Governor, legislature and state agencies;
2. Promote coordinated and collaborative interagency efforts;
3. Provide information and referral to persons with disabilities and the general public regarding disability issues, services and policies;
4. As appropriate and feasible collect, conduct and make disability related research and statistics available to the Governor, Legislature, state agencies and general public;
5. Advocate for policies and programs that promote the quality of life for people with disabilities.

## ARTICLE II. COUNCIL MEMBERSHIP

### SECTION 1. COMPOSITION

The Council on Disability membership consists of 17 members appointed by the Governor and ex-officio members pursuant to Minnesota Statutes 256.482 Subdivision 1 and Minnesota Statutes 15.0591.

### SECTION 2. MEMBER RESPONSIBILITIES

It shall be the responsibility of members to:

1. Attend and participate in meetings of the Council;
2. Serve on at least one standing committee and on other committees and task forces, as requested by the Council Chair.
3. Be responsible for knowing current Council policies and positions regarding issues of concern to persons with disabilities in Minnesota and for knowing Council history, structure and current activities so as to effectively represent the Council to the public;
4. Represent only those positions formally adopted by the Council when representing or speaking on behalf of the Council;
5. Advise the Council staff about the implementation of Council objectives and activities and, as appropriate and feasible, participate in the implementation of such objectives and activities; and
6. Conduct themselves so as not to cause financial risk to the Council.

If it appears there has been a violation of paragraph (F), the procedures detailed in Section 6(A) of this article shall be followed.

### SECTION 3. CONFLICT OF INTEREST

The Council on Disability maymake decisions that substantially affect financial or organizational interests within the disability field. The actions of the Council on Disability should be as free from conflict of interest as possible.

A conflict of interest mayexist when a member of the Council participates in a Council action that directly affects that member's financial or organizational interests. A Council action that directly affects a member's organizational interests is one that will likely affect the operation, services or programs of an organization or agency when the Council member serves on the governing board of that organization or agency.

In order to avoid conflict of interest problems, Council members who have or think they may have a conflict of interest shall declare that there is, or may be, a conflict of interest. Where a conflict of interest may exist, the Council member may request a determination from the Council. Where a conflict of interest is determined to exist, Council members shall abstain from voting and shall be recorded as abstaining when votes are taken.

The following are examples of the types of "financial or organizational interest" that may exist:

1. The Council member or a member of the Council member's family is an officer of the organization, serves on a committee that governs the organization, or serves on the board of any organization of which the financial interests are directly affected by decisions of the Council.
2. The Council member or a member of the Council member's family is employed by or is a consultant paid by any organization of which the financial interests are directly affected by decisions of the Council.

If it appears there has been a violation of this section, the procedures detailed in Section 6(A) of this article shall be followed.

Council members will review and sign an Annual Conflict of Interest statement.

### SECTION 4. TERMS

Each member appointed by the Governor shall serve a three‑year term pursuant to statute 256.482, remaining on the Council following the expiration of their final year until a successor is appointed. Members may serve a maximum of two consecutive three-year terms, plus time allotted to fill a vacancy or a term of less than three years. After at least one year absence, an individual may re-apply for Council membership.

Ex‑officio members shall serve on the Council until such time as the agency designates a different individual to represent it.

### SECTION 5. ATTENDANCE

Regular attendance at Council meetings is important to ensure that all issues discussed receive the best input possible. When Council members miss two consecutive meetings, the Council Chair shalltake the action required by Section 6(B) of this article.

### SECTION 6. REVIEW PROCESS FOR ISSUES OF ATTENDANCE AND CONFLICT OF INTEREST

1. When the Council Chair has reason to believe that a Council member has violated the provisions of Article II, Section 2, paragraph (F), or Article II, Section 3, the Chair shall call a special meeting of the Executive Committee to take place in no less than 10 working days. The Chair shall then contact the member in question by registered mail, requesting the member to appear before the Committee or respond in writing, to explain the actions that it is investigating. The Chair shall also furnish the member with copies of all materials relevant to the investigation. The Committee's task shall be to determine whether a violation has occurred and, if so, to decide on appropriate disposition. Following the meeting, if it is requested by the member in question, the Committee shall provide an additional period of time before making a final determination in order to allow the member to respond to new information that arose at the meeting. This period of time shall not be less than 30 days. Additional meetings may be held if necessary.

At the first Council meeting following the Executive Committee's final determination, the Committee shall report its findings to the Council and recommend an appropriate disposition, which may include a request to the Governor for the member's removal from the Council. The Council shall make its final decision on the disposition of the issue by a simple majority vote of the Council membership.

1. Pursuant to MS 15.059 Subd. 4, (2001), when Council members miss two consecutive meetings and are therefore not in compliance with Article II, Section 5, the Council Chair shall inform them in writing and before the next meeting that they may be removed from the Council by the Governor as appointing authority if they are absent from the next meeting. If they then miss that meeting, the Chair shall notify the Governor in writing of this fact.

### SECTION 7. REIMBURSEMENT

1. Expenses *-* Council members shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties on the Council as allowed by state law.
2. Per Diem *-* Pursuant to MS15.059 Sec. 2, Subd. 3 (2001) Councilmembers who are not full timeemployees of the state or any of its political subdivisions and public employees as limited by that law, mayreceive a per diem payment.

Per Diem may be made for:

* 1. Full Council meetings;
  2. Council Committee/Committee/Task Force Meetings;
  3. Attendance at any meeting where the Council member has been officially appointed by the Council Chair and confirmed by the council to represent the Council.
  4. Attendance at any meeting or other activity which the Council member’s presence has been requested in writing by the Council, Executive Committee, or the Council Chair and the Executive Director.
  5. Council members shall submit to Council on Disability staff, the state’s ‘Expense Report- MAPS Accounting Component- Only for persons NOT on SEMA4’ documentation for reimbursement of expenses and per diem for approved council activities within 120 days from the date the expense occurred, and otherwise, before the June 30th ending of the Council on Disability fiscal year.

## ARTICLE III. COUNCIL MEETINGS

### SECTION 1. SCHEDULE

The Council shall make every effort to meet at least once every three months, or not less than three times annually, to conduct its business and establish goals, objectives and policies to give direction to the activities of the staff, standing committees and task forces.

### SECTION 2. NOTICE OF MEETING

Written notice to all members stating the place, day and hour of all regular meetings of the full Council shall be mailed or personally delivered to each Council member not less than ten days prior to the date of the meeting. In the case of a recess to another day, all Council members shall be notified of the place, day and hour of the reconvened meeting.

### SECTION 3. SPECIAL MEETINGS

Special meetings of the Council shall be called anytime upon request of the Chair, or a majority of the members of the Executive Committee, or upon a written request to the Chair by any five members of the Council. The meeting shall be called by the Chair within ten calendar days of the receipt of the request. Notice for a special meeting shall include the purpose of the meeting and be given to all members of the Council no less than forty‑eight hours before the meeting.

### SECTION 4. QUORUM

A quorum shall consist of a majority of the voting members as appointed by the Governor. All official votes of the council will be recorded in compliance with State Statute (Minnesota’s Open Meeting Law*,* MS 13D).

### SECTION 5. DECISION MAKING

All decisions of the Council must be approved by a simple majority of the members present and voting unless otherwise provided in these by‑laws.

### SECTION 6. PROCEDURES

The most recent edition of Robert's Rules of Order shall govern the conduct of business in all cases in which they are applicable and not inconsistent with state law or these by‑laws. Where there is a conflict between any provision of these by-laws and Robert's Rules of Order, these by-laws shall prevail.

### SECTION 7. MEETINGS CONDUCTED ELECTRONICALLY

The Council on Disability may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

1. all members of the council participating in the meeting, wherever their physical location, can hear one another and can communicate all discussion and testimony;
2. members of the public present at the regular meeting location of the council can hear all discussion and all votes of members of the council and participate in testimony;
3. at least one member of the council is physically present at the regular meeting location; and
4. all votes are conducted by roll call, so each member’s vote on each issue can be identified and recorded.
   1. Each member of the council participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.
   2. If telephone or another electronic means is used to conduct a meeting, the council, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The council may require the person making such a connection to pay for documented marginal costs that the council incurs as a result of the additional connection.
   3. If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the council shall provide notice of the regular meeting location, of the fact that some members may participate by electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

## ARTICLE IV. OFFICERS

### SECTION 1. SELECTION

The officers of the Council shall consist of a Chair appointed by the Governor of the State of Minnesota and a Vice‑Chair elected by the Council from among the members of the Executive Committee during the Council's annual election meeting. The annual election will be held as determined in Article VI, Section I.

### SECTION 2. TERMS OF OFFICE

The Chair shall serve for one year or until the Governor appoints a successor, and the Vice‑Chair shall serve for one year from the date of election, but in no case longer than the term of appointment to the Council.

### SECTION 3. COUNCIL CHAIR

The Council Chair shall preside at all meetings of the Council and Executive Committee and shall be an ex‑officio member without vote of all Council standing committees and task forces. In addition, the Chair shall:

1. With the approval of the Council, appoint the members of the Council's committees and task forces;
2. With the Executive Director, develop agendas for Council and Executive Committee meetings;
3. With the Executive Director, assure the orientation of new Council members and encourage their involvement in Council activities;
4. Present to the Council, at least semi‑annually, a report regarding activities on behalf of the Council;
5. Together with the Executive Director, present the Council's biennial appropriation request to the Governor and State Legislature;
6. Monitor the implementation of Council policies and objectives.

### SECTION 4. COUNCIL VICE‑CHAIR

The Vice‑Chair shall aid the Chair in the performance of the Chair's duties and, in the absence of the Chair, shall preside at meetings of the Council and Executive Committee. If the Chair is unable to serve, the Vice‑Chair shall assume the Chair's duties, but shall not succeed to the position unless appointed by the Governor of the State of Minnesota.

## ARTICLE V. EXECUTIVE COMMITTEE

### SECTION 1. MEMBERS

The Executive Committee shall consist of the Council Chair and at least four members elected at-large from among the Council's voting members. The Vice‑Chair shall be elected by the Council from among the members of the Executive Committee. These members shall each carry one vote. The Executive Committee shall consist of no fewer than five persons.

### SECTION 2. DUTIES

The Executive Committee shall function as the governing body of the Council between Council meetings and shall make recommendations to the Council for new policies. It is empowered to take action on behalf of the Council only when such action is required between Council meetings and deliberation by the full Council is not feasible. Furthermore, the Executive Committee shall:

1. Screen and recommend two or more candidates to the Council for appointment as Executive Director; and
2. Conduct the Executive Director's annual performance evaluation and report to the Council on the evaluation results.
3. Identify, vet and prioritize public policy issues, and recommend positions for Council action.

### SECTION 3. TERMS

The at‑large members of the Executive Committee shall serve for a term of one year, beginning with the member's election or appointment to the Committee, but in no case longer than the term of appointment to the Council.

### SECTION 4. ATTENDANCE

Executive Committee members shall make every effort to attend Committee meetings. Members absent from two consecutive meetings shall receive a written notice from the Council Chair prior to any subsequent meeting advising them of this fact and alerting them to possible Council action if they continue to be unable to attend meetings. If they are then absent from the next Executive Committee meeting, the Chair shall recommend action to the Council.

### SECTION 5. PROCEDURE

Decisions of the Executive Committee shall be made by a simple majority of the members present and voting.

### SECTION 6. QUORUM

A quorum shall consist of a majority of the voting members of the Executive Committee.

### SECTION 7. NOTICE OF EXECUTIVE COMMITTEE MEETINGS

Notice of Executive Committee meetings shall be provided to all Council members no later than 48 hours in advance of the scheduled meeting time.

## ARTICLE VI. ELECTIONS

### SECTION 1. PROCEDURE

Election of the at‑large members of the Executive Committee shall take place at the second Council meeting after appointments to the Council are made and announced by the Governor, pursuant to Minnesota Statutes 15.0597 unless the Council chooses another date certain by a vote of two-thirds of the Council membership present*.*

Prior to this meeting, the Council Chair shall appoint a Nominating Task Force, subject to the consent of the Council, which shall meet before the election meeting. This Task Force shall develop a list of nominees and, after receiving the consent of each nominee, shall submit this list to the Council members in writing at least two weeks before the election. Nominations may also be received from the floor just prior to the election. Election shall be by plurality of the members present and voting.

Following the election of the Executive Committee, the Council shall elect a Vice‑Chair from among the members of the Executive Committee who are willing to serve as Vice‑Chair. Election of the Vice‑Chair shall be by simple majority of the Council members present and voting. If no member obtains a majority on the first ballot, the Council shall continue to vote. If a majority has not been obtained after the third ballot, the member obtaining the smallest number of votes shall be dropped from further consideration and the same procedure used on each succeeding ballot until a majority has been obtained.

### SECTION 2. VACANCIES

If a vacancy should occur among the at‑large members of the Executive Committee, the Council shall elect a replacement to serve for the remainder of the unexpired term during its next regular meeting. Nominations shall be received from the floor. The election shall be by a plurality of those Council members present and voting.

If a vacancy should occur in the office of the Vice‑Chair, the Council shall elect a replacement during its next regular meeting. Election shall be as provided in Section 1 of this article.

## ARTICLE VII. COMMITTEES AND TASK FORCES

### SECTION 1. STANDING COMMITTEES

The Council on Disability shall have standing committees. Their purpose is to identify issues, to make recommendations for Council policy or action and, as appropriate, to participate in the implementation of Council decisions and activities which advance the Council’s mission.

### SECTION 2. TASK FORCES

As the need arises, the Council may establish special structures called task forces for the purpose of investigating or taking action on specific issues within Council‑established policies or work plans. These task forces are limited to acting on the issues for which they were created and within the time frame established for the assignment.

### SECTION 3. COMMITTEE AND TASK FORCE CHAIRS AND VICE-CHAIRS

The Council Chair shall, with the approval of the Council, appoint committee and task force Chairs. If a vacancy occurs, the Council Chair shall appoint a replacement to serve for the remainder of the unexpired term.

### SECTION 4. COMMITTEE AND TASK FORCE MEMBERSHIP

The Council Chair shall, with the approval of the Council, appoint the members for each committee and task force. Terms on the committees shall be for one year. In no case shall the term of a Council member on a committee or task force be construed as extending beyond the expiration date of the term of appointment to the Council. The members of a task force shall serve for the life of the task force. Notice of possible removal shall be given to a member following two consecutive absences. Committee or task force members unable to attend three consecutive meetings may be removed by the Council Chair after consulting with the appropriate committee or task force Chair.

Membership of committees and task forces may include individuals who are not Council members, but who have expertise that will help the task force carry out its function. All members of a task force shall have the right to vote in that task force whether or not they are a Council member.

If a vacancy should occur among the members of a standing committee or task force, the Council Chair, after consulting with the appropriate committee or task force Chair, may appoint a replacement to serve for the remainder of the unexpired term subject to the approval of the Council during its next regular meeting.

## ARTICLE VIII. STAFF

### SECTION 1. EXECUTIVE DIRECTOR

Pursuant to MS 256.482 Subd. 2 the council may select an executive director.

### SECTION 2. POLICY DIRECTIVES

Staff activities generated as a result of Council policies, Council committees, or task force recommendation shall be presented through the Executive Director. The Executive Director is responsible to ensure the timely completion of staff activities.

## ARTICLE IX. FISCAL MATTERS

### SECTION 1. FISCAL YEAR

The fiscal year shall be the fiscal year observed by the State of Minnesota.

### SECTION 2. RECEIPT OF FUNDS

Pursuant to MS 256.482 Subd. 3, theCouncil may, by majority vote, accept a gift, grant or loan given for the purpose of assisting the Council to carry out its powers and duties.

### SECTION 3. FISCAL PROCEDURES

The Council shall conduct its fiscal activities as prescribed by the State of Minnesota.

## ARTICLE X. BY-LAW AMENDMENT/SUSPENSION

### SECTION 1. AMENDMENTS

Suggested amendments to these by‑laws must be presented in writing at least five working days prior to a regular or special Council meeting. Ratification shall require a two‑thirds majority vote of the voting members present.

### SECTION 2. SUSPENSION

The by-laws may be suspended by a three-quarters majority vote of the Council members present.