

MONTANA STATEWIDE INDEPENDENT LIVING COUNCIL



BYLAWS

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THE MONTANA STATEWIDE INDEPENDENT LIVING COUNCIL (MTSILC)

ARTICLE 1

NAME

This Statewide Independent Living Council (SILC) is hereby established under the authority of Section 705 of the Federal Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014 (WIOA), which took effect on July 1, 2015. This SILC shall be known as the Montana Statewide Independent Living Council and hereinafter referred only as the Council or MTSILC.

ARTICLE 2

PURPOSE

- A. The MTSILC shall fulfill the requirements of Section 705 of the Federal Rehabilitation Act of 1973, as amended, hereinafter referred to only as the Act. In this capacity the Council shall:
1. Promote a philosophy of independent living (IL) including consumer control, peer support, self-help, self-determination, equal access, and individual, and system advocacy, to maximize the leadership, empowerment, independence, and productivity of individuals with significant disabilities, and to promote and maximize the integration and full inclusion of individuals with significant disabilities into the mainstream of American society
 2. Develop, jointly with the chairperson of the SILC and the directors of the Centers for Independent Living (hereinafter referred only as CILs), the State Plan for Independent Living for the state of Montana (hereinafter referred to only as SPIL), Pursuant to Section 704 of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (the Act);
 3. Submit the signed SPIL to the Executive and Legislative branches of government of the state of Montana.
 4. Monitor, review, and evaluate the implementation of the SPIL.
 5. Coordinate activities with the State Rehabilitation Council <https://dphhs.mt.gov/detd/vocrehab/src/staterehabilitationcouncil>, established under section 105 of the Act, and other Councils which address the needs of specific disability populations and issues under other Federal and State laws.
 6. Meet regularly and ensure that all regularly scheduled meetings of the MTSILC are open to the public and sufficient advance notice is provided.
 7. Submit to the Governor of the State of Montana such periodic reports as the Governor may reasonably request and keep such records as the Governor finds necessary to verify such reports.

8. Submit to the Administration for Community Living (ACL) such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.
 9. Provide guidance and financial assistance for the statewide development, expansion, or improvement of independent living programs and concepts.
 10. Provide guidance to State agencies and to local planning and administrative entities assisted under the Act.
 11. As appropriate, 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 of or provide long-term community-based services and supports. (2)
 12. Advocate for improving working relationships among the various entities providing services to and for persons with significant disabilities; and,
 13. The Council may assume other functions that they determine necessary and appropriate, consistent with their purposes.
- B. The MTSILC is authorized to hold such hearings and forums as the MTSILC may determine to be necessary to carry out the duties of the MTSILC.
- C. The MTSILC shall:
1. Prepare, in conjunction with the CILs, a plan for the provision of such resources, hereinafter referred to only as the Resource Plan, including such staff and personnel, as may be necessary to carry out the functions of the MTSILC under this Section, with funds made available under chapter 1 of Title VII and Section 101 of Title I of the Act and from other public and private sources.
 2. The Resource Plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.
 3. The MTSILC shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the MTSILC under this section.
 4. While assisting the MTSILC carrying out its duties, staff and other personnel shall not be assigned duties by the DSE or any other agency or office of the State of Montana that would create a conflict of interest.
- D. The MTSILC may use such resources to reimburse members of the MTSILC for reasonable and necessary expenses of attending MTSILC meetings and performing MTSILC duties (including childcare and personal assistance services), and to pay compensation to a member of the MTSILC, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing MTSILC duties.

ARTICLE 3
MEMBERSHIP

A. **APPOINTMENT:** Members shall serve their appointed terms at the pleasure of the Governor of the State of Montana. Each member of the MTSILC shall serve for a term of three (3) years, from the date of appointment, except that:

1. 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.
2. No member of the MTSILC may serve more than two consecutive full terms. After serving two consecutive terms, a member may reapply after one year break in service.
3. Any vacancy occurring in the membership of the MTSILC 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 MTSILC.

B. **COMPOSITION:** The MTSILC shall include:

1. At least one director of a Center for Independent Living (CIL) chosen by the directors of Centers for Independent Living within the State of Montana.
2. A representative of the directors of the Section 121 projects located in the State of Montana, the representative will be chosen by the directors of the Section 121 project.
3. As ex-officio, nonvoting members:
 - a. A representative from the DSE
 - b. Representatives from other State agencies that provide services for individuals with disabilities
4. The MTSILC shall consist of no fewer than nine members and no greater than fifteen members.

C. **ADDITIONAL MEMBERS:** The additional members of the MTSILC may include:

1. Other representatives from centers for independent living;
2. Parents and guardians of individuals with disabilities;
3. Advocates of and for individuals with disabilities;
4. Representatives from private businesses;
5. Representatives from organizations that provide services for individuals with disabilities;
and,

6. Other appropriate individuals.

D. QUALIFICATION OF THE MEMBERS: In general, the MTSILC shall be composed of members:

1. Who provide statewide representation
2. Who represent a broad range of individuals with disabilities from diverse backgrounds; and,
3. Who are knowledgeable about centers for independent living and independent living services

E. MAJORITY OF MEMBERS: The majority of the members of the MTSILC shall be of persons who are:

1. Individuals with disabilities pursuant to Section 7 (20) (B) of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014 (WIOA);
2. Individuals not employed by any governmental agency of the State of Montana or by any of the Montana Centers for Independent Living (CIL)

A list of the MTSILC voting members, indicating the date of their appointment, term of mandate, and whether they signed the Conflict-of-Interest Disclosure Form and received the Conflict-of-Interest Statement.

F. VOTING MEMBERS: A majority of the voting members of the MTSILC shall be of individuals:

1. With disabilities pursuant to Section 7(20)(B) of the Rehabilitation Act of 1973 as amended by the Workforce Innovation and Opportunity Act of 2014 (WIOA); and
2. Not employed by any governmental agency of the State of Montana or by any of the Montana Centers for Independent Living.

G. CHAIRPERSON: The MTSILC shall select a Chairperson from among the voting membership of the MTSILC.

H. STATE REHAB COUNCIL REPRESENTATIVE:

1. No less than 6 months (2 quarterly meetings) before the current MTSILC SRC representative's term ends on either MTSILC or SRC the MTSILC will nominate and vote for a new SRC representative.
2. MTSILC's chosen representative will be presented to the SRC no later than 3 months (1 quarterly meeting) before the current MTSILC SRC representative's term ends.

3. The MTSILC SRC representative will be among the voting membership of the MTSILC
4. The MTSILC SRC representative will have a term of two years or until their term ends on the SRC or MTSILC

ARTICLE 4 **MEETINGS**

- A. The MTSILC meetings shall be held as frequently as needed to conduct the business of the SILC, but in no event shall there be fewer than three (3) meetings per year.
- B. The MTSILC shall hold regular meetings in person or at such place or mode as may be designated by the Executive Committee.
- C. All members are expected to attend and participate in the meetings of the MTSILC and committees on a regular basis.
- D. If a member fails to attend three MTSILC meetings in a twelve-month period, except for emergency or medical reasons, the MTSILC Executive Committee will meet to consider a recommendation of dismissal from the MTSILC to the Governor's Office.
- E. The Chairperson will confer with the MTSILC members who are absent from two meetings in a 12-month period, including committee meetings, to assure their continued commitment to the MTSILC.
- F. For a member to be excused for reasons other than emergency or medical, advance notice of two weeks prior to the MTSILC meeting must be sent to the Chairperson or the IL Program Manager.

ARTICLE 6 **NOTICES**

- A. Notices of all meetings shall be sent by mail or email to the entire membership by the Chairperson at least two (2) weeks in advance of any meeting.
- B. Notices may be found at least two (2) weeks in advance on the MTSILC website:
<https://dphhs.mt.gov/detd/independentliving/silc/mtgdates>

ARTICLE 7 **QUORUM**

A quorum shall consist of a majority of the voting members of the MTSILC for the transaction of business.

ARTICLE 8 **CONFLICT OF INTEREST**

- A. The MTSILC members are subject to the same conflict of interest, financial disclosure and orientation course, applied to Montana legislators pursuant to the following:
 - 1. The Constitution of the State of Montana;
 - 2. The Montana's Code of Ethics; and,
 - 3. The Montana Code Annotated (MCA) § 2-2-112.
- B. A conflict of interest may occur when a MTSILC member's personal or private interest directly gives rise to an appearance of impropriety as to the MTSILC member's influence, benefit, or detriment in regard to the MTSILC's matter.
- C. Members of the MTSILC shall avoid conflicts of interest, and improprieties relating to the role, function, responsibility and authority of the MTSILC.
- D. If any member of the MTSILC shall find himself or herself in a situation involving an actual or potential conflict of interest or impropriety, or the appearance thereof, such member shall immediately make full disclosure of the matter to the MTSILC and thereafter recuse themselves from any discussions and deliberations about the matter, as well as abstain from any vote with respect to the matter.
- E. The MTSILC member found in a situation involving conflict of interest shall not influence the other MTSILC members about the controversial issue; if they attempt to influence other members, they shall be excluded from the MTSILC meeting, discussion and vote.
- F. In the event that any member with an actual or apparent conflict of interest refuses to exclude himself or herself from a vote, a majority of the remaining members may exclude the member from a vote. In this event, the non-voting member may be counted for purposes of establishing a quorum.
- G. Members of the MTSILC will abstain from voting on any specific decision-making relating to grants or contracts deriving from the MTSILC when those grants or contracts are for corporations or businesses in which they have a financial interest or are employees, administrators or board members. Such MTSILC members will, in this situation make clearly known that for them there is a conflict of interest.
- H. Members of the MTSILC will sign a conflict of interest statement at the time of appointment and reappointment.

ARTICLE 9
OFFICERS AND DUTIES

- A. OFFICERS:
 - 1. The officers of the MTSILC are a Chairperson, Vice-Chairperson, and Secretary.

2. The officers of the MTSILC shall be selected in accordance with these Bylaws.
3. At least one of the officers must be a person with a disability who is not an employee of the DSE, any other agency of the State of Montana, or a MTCIL.

B. ELECTION OF OFFICERS:

1. The Chair and Vice Chair shall be elected biannually, alternating years (Chair - year 1, Vice Chair -year 2), in the meeting held during the fourth quarter of the calendar year (November). Nominations will be accepted up to and during the meeting held in the third quarter of the fiscal year (August). Nominations must be made in a public meeting.
2. The secretary will be elected annually in the meeting held during the fourth quarter of the calendar year (November). Nominations will be accepted up to and during the meeting held in the third quarter of the calendar year (August). Nominations must be made in a public meeting.

C. OFFICER TERMS

1. Chair and Vice Chair: The Chair and Vice Chair serve for a two (2) year term upon election or until a successor is elected. A limit of two (2) consecutive terms will be placed on these offices.
2. Secretary: The secretary serves for a one (1) year term upon election or until a successor is elected. A limit of four (4) consecutive terms will be placed on this office.

D. REMOVAL – Officers may be removed according to the following;

1. MTSILC may remove the Chair or Vice Chair, providing that at least two-thirds (2/3) of the current MTSILC membership so vote and providing that justification is established.

E. VACANCIES – a vacancy in any office due to death, resignation, removal, disqualification, or otherwise shall be filled for the unexpired portion of the respective office’s term according to the following

1. When the position of Chair becomes vacant, the Vice Chair shall assume the responsibilities of the Chair until the next scheduled election
2. When the position of Vice Chair becomes vacant, the Secretary shall assume the responsibilities of the Vice Chair until the next scheduled election.
3. When the position of Secretary becomes vacant, a special election will be held at the next quarterly meeting.

F. EXECUTIVE COMMITTEE:

The Executive Committee shall consist of the Chairperson, Vice-Chairperson, and Secretary. The Executive Committee shall have the authority to manage the business of the Council between meetings. This authority is subject to the bylaws, policies and procedures established by the MTSILC This authority may be questioned and/or validated by MTSILC full membership at quarterly meetings.

G. DUTIES OF OFFICERS GENERALLY:

The duties of the officers shall be such as usually attach to such offices, and such further duties as may be delegated from time to time by the MTSILC.

1. **Chairperson.** The Chairperson shall:

- a. Establish agendas and furnish to the IL Program Manager or Secretary for mailing at least two (2) weeks prior to meetings.
- b. Preside at all meetings of the MTSILC.
- c. Ensure that orders and resolutions of the MTSILC are carried out officially.
- d. Represent the MTSILC in all matters.
- e. Sign and execute documents or instruments in the name of the MTSILC as authorized by the MTSILC; and,
- f. Delegate their duties if necessary.

2. **Vice-Chairperson.** The Vice-Chairperson shall:

- a. Perform such duties as may be assigned by the Chairperson.
- b. Assume the office of the Chairperson in the event it is vacated.
- c. Perform the duties and be vested with all the powers and duties of the Chairperson in case of their absence
- d. Perform such other duties as are provided by these Bylaws.
- e. In partnership with IL Program Manager will coordinate committee meetings.

3. **The Secretary.** The Secretary in partnership with the IL Program Manager to keep accurate and up-to-date records of all MTSILC meetings. They shall:

- a. Assist the IL Program Manager or other assigned administrative support staff in administrative functions of all MTSILC meetings.
- b. Review draft minutes and provide feedback to assigned administrative support staff.
- c. Assist with development of the MTSILC agendas.
- d. In the absence of support by the IL Program Manager or assigned administrative support, the Secretary shall be responsible for all duties as noted in this section, which may include:
 1. Keeping accurate and up-to-date records of the MTSILC meetings, including

attendance;

2. Mail out minutes of meetings within two weeks of the next meeting;
 3. Mail out agendas, summaries of the previous meetings and other pertinent information to all subcommittee members at least two (2) weeks prior to scheduled meetings;
 4. Maintain the records and minutes of the MTSILC.
 5. Perform other duties as required by the MTSILC.
- e. In the event the Chairperson and the Vice-Chairperson are not present at a duly called meeting, the secretary will conduct the meeting.
- H. SRC Representative. The SRC Representative will ...
1. The MTSILC SRC Rep's term begins when the previous rep's term ends, or as soon as appointment if the position is vacant.
 2. The MTSILC SRC Rep. will give MTSILC update to the SRC each SRC quarterly meeting
 3. The MTSILC SRC Rep will give a SRC update to the MTSILC at each MTSILC quarterly meeting.
 4. Remind the MTSILC Chair and SRC Chair of term end on either council no less than 7 months before end of term.

ARTICLE 10

BOOKS, RECORDS AND PUBLICATIONS

- A. The MTSILC shall:
1. Keep such records as may be necessary to the transaction of its business; and,
 2. Keep minutes of the meetings of its membership and other committees having authority under the MTSILC.
- B. All records of the MTSILC may be inspected by any member, or his agent or attorney for any proper purpose at any reasonable time.
- C. The books, records and minutes of the MTSILC are available for public inspection in accordance with the laws of the State of Montana.
- D. Minutes of all meetings of the MTSILC, and the committees having authority under the MTSILC, shall be distributed by the Chairperson as provided in these Bylaws.

- E. All official records of the MTSILC will be maintained in the office of the DSE in a shared drive provided by IL Program Manager. The Executive Committee and DSE staff will have access to the shared drive.

ARTICLE 11
AMENDMENTS

- A. These Bylaws may be amended or repealed, and new bylaws adopted by a vote of two-third (2/3) of the MTSILC membership present and voting at any meeting, A notice of intent to amend, repeal or adopt new bylaws must be given by mail or email to each MTSILC member at least ten (10) days in advance.
- B. Any proposed changes to these guidelines will be mailed to members with the agenda for that meeting.
- C. A vote of the change will be carried out through the same process as any other business.

ARTICLE 12
SEVERABILITY

- A. The MTSILC cannot disregard, violate, ignore or change any laws and regulations of the United States of America or the state of Montana, in force and effect, as well as Court decisions issued by the Montana Supreme Court, Ninth Circuit Court of Appeals, and Supreme Court of the United States of America.
- B. In the event that any provision of these Bylaws is determined to be in violation of any laws or regulations of the United States of America or of the State of Montana, the remaining portions of these Bylaws shall remain in full force and effect.
- C. In the event that any provision of these Bylaws is deemed contrary to the laws of the United States of America, the State of Montana or the regulations of an authorized agency under the United States of America or the State of Montana, the remaining portions of these Bylaws shall remain in full force and effect.

ARTICLE 13
COMMITTEES

- A. The Chairperson has authority to select the Chairperson of standing committees, which shall deal with special interests.
 - 1. Standing committees shall consist of:
 - a. Executive Committee;
 - b. Policies and Procedures Committee, presided by the MTSILC Chairperson.

- c. Nominations/Membership Committee; and,
 - d. SPIL Evaluation Committee.
- B. The Chairperson has the authority to establish other committees as needed and designate the members and chairs thereof. The specific duties of Committees will be assigned by the MTSILC.

ARTICLE 14
RESPONSIBILITIES OF THE MTSILC

The responsibilities of the MTSILC to its constituents and to the DSE are the following:

- A. Recognizing and understanding the legal mandate and budgetary limits of the DSE to which they are providing policy development consultation;
- B. Willingness to work with the DSE constructively and consistently over a sufficiently long period to effect desired changes;
- C. Devoting whatever time and effort is required to gain understanding of the policies and procedures of the DSE as they relate to the MTSILC;
- D. Willingness to be concerned with a broad range of issues and to view program proposals, in terms of benefiting all people with disabilities and not necessarily one group of people with disabilities; and,
- E. Keeping its constituency informed about department policies and programs, and their role in the development and implementation of these policies and programs.

CERTIFICATION

I, Brent Morris, hereby certify the following:
I am secretary of the Montana Statewide Independent Living Council (MTSILC,) and the foregoing bylaws are a true and correct copy of the bylaws of the MTSILC as duly adopted by approval of the members of the MTSILC by unanimous vote of consent on April 21, 2022.

Signed: _____
Brent Morris
MTSILC Secretary