

# Disabilities Advisory Council

## *By-laws*

Version Date: 5/2024

### **ARTICLE I: NAME**

- 1.1 The Disabilities Advisory Council was established by an executive order signed by the governor of the state of Utah on May 14, 2012.

### **ARTICLE II: PURPOSES & FUNCTIONS**

- 2.1 The purposes of the Disabilities Advisory Council are to:
  - (a) support the Mission of the Division of Services for People with Disabilities, in accordance with 62A-5-102, to promote opportunities and provide support for persons with disabilities to lead self-determined lives;
  - (b) provide regular input, review and evaluation of the services and policies of DSPD by stakeholders in the disability system;
  - (c) recognize that the full array of services is critical to effectively serving individuals with disabilities and their families; and
  - (d) build relationships and partnerships to promote activities that mutually benefit stakeholders within the community and institutions.
- 2.2 The functions of the Disabilities Advisory Council shall be to:
  - (a) increase meaningful stakeholder input and technical assistance regarding the efficiency and effectiveness of the Division of Services for People with Disabilities supports and services;
  - (b) review and evaluate current and future policies, procedures, standards, guidelines and regulations to ensure efficiency and effectiveness;
  - (c) encourage positive relationships among stakeholders, the Division of Services for People with Disabilities, the Department of Health & Human Services;
  - (d) offer recommendations to the Division of Services for People with Disabilities that would improve the supports and services it provides;
  - (e) serve as a resource to the Division of Services for People with Disabilities for new ideas, future projects and best practices;
  - (f) promote partnerships between the Division of Services for People with Disabilities and other agencies and organizations offering support to persons with disabilities and their families, and
  - (g) solicit input from other stakeholders in the disability system regarding the Division of Services for People with Disabilities supports and services.

### **ARTICLE III: MEMBERSHIP**

- 3.1 Composition: Members of the Disabilities Advisory Council shall be comprised of the following:
  - (a) the Director of the Division of Services for People with Disabilities;
  - (b) the Director of the Department of Health & Human Services, Bureau of Authorization, and Community Based Services, or designee;
  - (c) two individuals with disabilities receiving Division of Services for People with Disabilities services in the community;

- (d) two family members of individuals with disabilities receiving Division of Services for People with Disabilities services in the community;
- (e) one individual or family member waiting for services from the Division of Services for People with Disabilities;
- (f) one individual or family member receiving services from the Utah State Developmental Center or private ICF/ID;
- (g) two home or community-based providers of Division of Services for People with Disabilities services from the private sector,
  - (1) one of whom must be the President of the Utah Association for Community Services;
- (h) two private sector support coordinators of Division of Services for People with Disabilities services,
  - (1) one of whom must be the president of the Independent Support Coordinator Association.

3.2 **Selection:** Members of the Council, with the exception of 3.1 (a), 3.1(b), 3.1 (g)(1) and 3.1 (h)(1), shall be selected by the Executive Director of the Department of Health & Human Services from applications made by eligible stakeholders. Members excepted above shall serve on the Council as long as he/she occupies the indicated positions.

3.3 **Terms:** Members of the council

- (a) shall be appointed for a term of three years;
- (b) may be reappointed for one additional three-year term;
- (c) after an absence of at least one year, may reapply to be a member of the council;

3.4 **Vacancies:** Any vacancy in the membership of the council shall be filled by appointment of the executive director of the Department of Health & Human Services for the remainder of the term of the position vacated.

3.5 **Removal:** Members of the council serve at the pleasure of the Executive Director of the Department of Health & Human Services and may be removed at any time without cause. A member may be recommended to the executive director of the Department of Health & Human Services for removal by a 2/3 majority vote of the council members. Two or more unexcused absences in one year may result in recommendation for removal.

#### **ARTICLE IV. RESPONSIBILITIES**

4.1 Members of the council are expected to:

- (a) bring concerns from the disability community to the attention of the Chair;
- (b) actively participate in, and contribute first-hand knowledge to, Council discussions;
- (c) complete assigned tasks or, if unable to do so, inform the Chairperson of the inability to meet a due date; and
- (d) attend meetings regularly and prepare for meetings in advance by reading circulated materials and/or conferring with Division personnel and other resources.

4.2 The Division of Services for People with Disabilities is expected to:

- (a) clearly define expectations of Council members;
- (b) provide notice of meetings and information for discussion at meetings in a timely manner;
- (c) provide staff support for record keeping, distribution of agendas and minutes, and council meeting arrangements; and
- (d) keep records, as required by law, of all minutes, reports, and reference material and make these available for Council reference as requested.

## **ARTICLE V. OFFICERS & SUBCOMMITTEES**

- 5.1 The council members shall appoint a chairperson and vice chairperson of the council from among its members. All members of the council are eligible for appointment as chairperson and vice chairperson.
- 5.2 The council chairperson shall serve for the term of one year and shall call and preside over all council meetings. The chairperson shall approve council agendas and minutes and conduct council meetings under Roberts Rules of Order Newly Revised. If the chairperson is unavailable, the vice chairperson shall conduct the council meeting.
- 5.3 The council vice chairperson shall serve for the term of one year after which time they automatically shall become the chairperson for the term of one year.
- 5.4 In the event a chairperson or vice chairperson cannot fill his/her term of office, an interim officer shall be elected by the DAC to fill that term of office.
- 5.5 The council shall elect a vice chairperson every year at its January meeting (or the first meeting of the calendar year), at which time the current vice chairperson will become the new chairperson.
- 5.6 The Chairperson may appoint a subcommittee(s) to do specific work for the council. The chairperson is an ex-officio member of any subcommittee. Each subcommittee shall report its findings and recommendations to the council.

## **ARTICLE VI. VOTING**

- 6.1 Each council member shall have one vote, with the exception of the Division of Services for People with Disabilities director, who will vote only in the event of a tie.
- 6.2 A simple majority of the membership of the council will constitute a quorum for the transaction of business.

## **ARTICLE VII. MEETINGS**

- 7.1 The council shall meet at least quarterly. Additional meetings may be held by call of the chairperson or by request of a simple majority of the members of the council.
- 7.2 Annually, the council shall hold a public hearing to gather input regarding division supports and services from all interested stakeholders and the general public.
- 7.3 Members may attend meetings in person or by telephone conference line. The Council may also conduct business by teleconference, video conference, email, or other generally accepted electronic means.
- 7.4 Council meetings are open to the public and notice of meetings will be provided at least 3 days in advance on the Utah Public Notice website.

## **ARTICLE VIII. COMPENSATION & CONFLICT OF INTEREST**

- 8.1 Members of the council shall serve without compensation. Members who incur certain expenses, such as travel, while attending council meetings or performing council duties may apply to the Division of Services for People with Disabilities for reimbursement.

- 8.2 Members who have personal financial interests that would benefit from any council actions or recommendations must declare the conflict and disqualify themselves from voting on those actions or recommendations.

#### **ARTICLE IX. AMENDMENTS**

- 9.1 These by-laws may be amended or repealed by the simple majority vote of the voting council members at any scheduled meeting of the council. Council members shall receive notice of proposed amendments at least five days prior to the meeting at which voting will take place. Amendments become effective immediately upon approval.