

NEW MEXICO STATEWIDE INDEPENDENT LIVING COUNCIL BYLAWS

ARTICLE I - Legal Authority

Section 1. Legal Authority. Statutory authority for operation of a statewide council on independent living and these bylaws is granted pursuant to The Rehabilitation Act of 1973 as amended by the Workforce Innovation and Opportunity Act (29 U.S.C.), Title VII, and regulations at 45 CFR Part 1329.

ARTICLE II - Title and Scope

Section 1. Name. These bylaws govern the proceedings, activities, and organization of the New Mexico Statewide Independent Living Council and shall be referred to generally as the bylaws for the State Independent Living Council (SILC).

ARTICLE III – Purpose and Duties

Section 1. Purpose. The purpose of the NM SILC is to promote a 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 opportunities for individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of society. In addition, the purpose of the NM SILC is to be a statewide catalyst for independent living.

Section 2. Duties. The duties of the NM SILC shall support and reflect its purpose. Specifically, the NM SILC shall:

- A. Jointly develop and submit in conjunction with the Centers for Independent Living, the State Plan for Independent Living (SPIL) required in Section 704 of this title.
- B. Monitor, review, and evaluate the implementation of the SPIL.
- C. Coordinate activities with other entities addressing the needs of specific disability populations and issues established under other Federal law.
- D. Ensure that all regularly scheduled meetings of the NM SILC are open and accessible to the public and that sufficient advanced notice is provided in accordance with the Open Meetings Act, NMSA 1978, Chapter 10, Article 15 (Open Meetings Act), and are held in locations that are accessible.
- E. Submit to the Designated State Entity (DSE) such periodic reports as the DSE may reasonably request, and keep such records, and afford access to such records, as the DSE finds it necessary to verify such reports in accordance with the SPIL.

F. In conjunction with the Centers for Independent Living, undertake activities that will result in the accomplishment of the goals *and* objectives of the SPIL.

G. Prepare, in conjunction with the DSE, a resource plan, *including* staff and personnel, to carry out the functions of the NM SILC.

H. Supervise and evaluate NM SILC Staff and Personnel charged with carrying out the duties of the NM SILC. (Such staff and other personnel are not to be assigned duties by the designated state unit or any other agencies or offices of the State that would create a conflict of interest).

I. Obtain input from residents of New Mexico on the development of *the* SPIL, and/or amendments to the SPIL by holding public meetings.

J. Hold such public meetings as the NM SILC determines necessary to carry out the duties of the NM SILC.

K. Provide assistance to develop and support statewide networks of centers for independent living; and

L. Perform other duties that are described in this title.

ARTICLE IV - Composition and Appointment

Section 1: NM SILC Composition. The following requirements shall be met pursuant to Section 705 of this title:

A. Qualifications. In general, The Council shall be composed of members:

1. who provide statewide representation.

2. who represent a broad range of individuals with disabilities from diverse backgrounds;

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 705(20)(B) of this title; and

(b) not employed by any State agency or center for independent living.

B. Voting members majority of the voting members of the Council shall be:

1. individuals with disabilities described in section 705(20)(B) of this title; and
2. not employed by any State agency or center for independent living.

C. The NM SILC shall include, pursuant to Section 705 (b)(2):

1. At least one (1) director of a center for independent living chosen by the directors of centers for independent living within the State.
2. As ex-officio, non-voting members:
 - (a) A representative from the Designated State Entity;
 - (b) A representative from other State agencies that provide services for individuals with disabilities;
3. At least one (1) representative of the directors of section 121 Native American Vocational Rehabilitation projects.

D. The NM SILC may include, pursuant to Section 705 (b)(3):

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

Section 2: Recruitment – Application, Nomination, and Recommendation of Individuals for board positions.

A. Recruitment shall occur in the following manner:

1. NM SILC Executive Committee will accept letters of interest and resumes that have been sent via mail, email, handed in person, or

suggested by phone call; review letters of interest and resumes; and forward recommendations to the Governor's office for consideration for appointment.

2. Interested individuals may submit applications directly to the Governor's office for consideration for appointment.

Section 3: Appointment and Terms. Members of the NM SILC shall be appointed by the Governor, shall serve for three (3) year terms, and may serve no more than two (2) consecutive full terms, except that;

A. A member appointed to complete someone else's unexpired term may serve the unexpired term of the person they replaced and then serve two full three-year terms.

B. A member who has served two full consecutive terms must have a meaningful break in service before that member can be eligible for reappointment. A meaningful break in service must be at least four months during which time at least one regular meeting must have taken place.

C. The Governor may delegate the authority to fill a vacancy to the remaining voting members of the NM SILC after making the original appointment.

Section 4: Responsibility. It is the responsibility of each member to represent one's geographic area of the State and present the issues and concerns of that area in the formation of all NM SILC policy and programs and the development and implementation of the SPIL. Each member shall also perform specific duties set out by written policy and/or assigned by the Chair, Executive Committee, or a standing committee chair.

Section 5: Council Member Resignation. A NM SILC member may resign from the NM SILC by submitting in writing a letter of resignation to the Chair of the NM SILC or to the Governor. If a council member changes legal residence so that he/she is no longer residing in New Mexico, it shall be deemed that he/she has resigned and his/her council position shall be considered vacant.

Section 6: Vacancies. Any vacancy occurring in the membership of the NM SILC 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 NM SILC. A vacancy occurring in the membership shall be filled by the Governor for the unexpired portion of the vacated position.

A. **Chair Vacancy** - When the position of NM SILC Chair becomes vacant, the NM SILC vice Chair shall assume the responsibilities of the chair until the next scheduled election of officers by the NM SILC. Vacancies in officer positions shall be filled by a majority vote of the NM SILC.

B. CIL Representative Vacancy - When a vacancy occurs in the NM CIL representative position, the NM SILC will send a notice to the directors of the NM CILs in the state requesting a CIL director be named to fulfill the responsibilities and remaining term of the vacant position. Upon election by the state CIL directors, the NM SILC will submit the name of the individual to the Governor for appointment to the NM SILC.

C. Ex-officio Vacancy- When a vacancy occurs in an Ex-officio position, the NM SILC will send a notice to the director of the DSE or other agency requesting an agency representative be named to fulfill the responsibilities and remaining term of the vacant position. Upon designation of an individual to represent the state agency, the NM SILC will submit the name of the succeeding agency representative to the Governor for appointment as an ex-officio member to the NM SILC. Personal experience with a disability is preferred.

Section 7: Removal. Members may be terminated from NM SILC membership by the Governor for any of the reasons listed below. The NM SILC reserves the right to remove any member who exhibits inappropriate behavior toward the mission of the NM SILC:

- A. Poor attendance;
- B. Lack of participation; and
- C. Malfeasance in office.

Section 8: Attendance. Members shall be required to attend at least 75 percent of regular NM SILC meetings. Regular meetings are those meetings for which dates and locations have been identified in the annual published list and notice has been given to each member. Upon missing two consecutive meetings, a member's attendance will be reviewed for action by the NM SILC Executive Committee.

ARTICLE V - NM SILC Meetings

Section 1: Frequency. The NM SILC shall hold at least four (4) meetings annually, with at least one (1) occurring in each quarter of the year. Quarters shall be defined as federal government fiscal quarters beginning the first day of October. Subcommittee meetings will be determined by committee chairs and will meet between the quarterly SILC meetings.

Section 2: Notice. Written notice of the time and place of the NM SILC meetings shall be given by the NM SILC Executive Committee. An annual list of meeting dates and locations determined by Executive Committee shall meet this requirement.

- A. In accordance with the Open Meetings Act, the NM SILC will provide notice of at least ten days for regular meetings; three days for special meetings; and twenty-four hours for emergency meetings.

B. Meetings are to be held around the state. During a SPIL cycle, the NM SILC will meet in every CIL's catchment area at least once.

Section 3: Special Meetings. - Special Meetings of the NM SILC may be called by the NM SILC Executive Committee or upon request of the majority of the current NM SILC membership in accordance with notice requirements as stipulated in The Open Meetings Act.

Section 4: Quorum and Action. A quorum for the transaction of any NM SILC business shall be a simple majority of the NM SILC voting membership in attendance. The act of the majority of those members present shall be the act of the NM SILC.

A. No NM SILC member shall be represented by a non-NM SILC member;

B. If a council member is unable to attend, a Council member may vote by proxy through designation of another Council member as representative of the absent council member. A Council Member is allowed only one proxy voter per year.

Section 5: Voting. The NM SILC shall require a vote, visual and auditory for all business requiring such vote and in accordance with the Open Meetings Act and other applicable Federal and State laws:

A. All NM SILC members who are designated as voting members and are present shall be entitled to one (1) vote on all matters before the NM SILC.

B. All votes shall be recorded in accordance with the Open Meetings Act.

C. Members of all NM SILC committees, who are present, shall be entitled to one (1) vote on matters before each committee; and,

D. If a council member is unable to attend a Council member may vote by proxy through designation of another Council member as representative of the absent council member. A Council Member is allowed only one proxy voter per year. Proxies have the autonomy to vote at their discretion.

Section 6: Procedure. All meetings shall be held in accordance with The Open Meetings Act and conducted in accordance with Roberts Rules of Order, Subject to provisions of New Mexico laws pertaining to public entities.

Section 7: Minutes. A written record shall be kept of all NM SILC meeting and minutes shall be provided as required by the Open Meetings Act.

Section 8: How Meetings are Held. Meetings maybe convened by teleconference or other electronic means provided that all Open Meetings Act requirements for telephone meetings and video conferencing are otherwise met.

Section 9: Reasonable Accommodations. All meetings shall assure reasonable Accommodations for NM SILC members and the public upon request.

ARTICLE VI - NM SILC Organization

Section 1: NM SILC Officers. The NM SILC officers shall be the Chair and Vice Chair.

A. Election of Officers

1. Chair and Vice Chair. The Chair and Vice Chair shall be elected annually in the meeting held during the first quarter of the federal fiscal year. Nominations from the floor and written nominations will be accepted.
2. Each NM SILC voting member is entitled to one (1) vote.
3. A simple majority vote carries the election.
4. The NM SILC Executive Committee will count the votes.
5. **Terms of Officers** - Tenure in office shall be as follows:
 - a.) Chair and Vice Chair. The Chair serves for a one (1) year term upon election or until a successor is elected. A limit of two (2) terms will be placed on this office.

B. **Removal** - Officers may be removed according to the following:

1. Chair and/or Vice Chair. The NM SILC may remove the Chair and/or Vice Chair whenever the best interests of the NM SILC would be served by such removal, providing that at least two-thirds (2/3) of the current SILC voting membership so vote.

C. **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. Chair. A vacancy in this office shall be filled by the Vice Chair.
2. Vice Chair. A vacancy in this office shall be filled by the Executive Committee.

D. **Responsibilities** - In addition to all officers being full voting members on the NM SILC Executive Committee and assisting the NM SILC executive director in review identification of NM SILC committee memberships and SILC committee chairs, each office shall have its respective duties and responsibilities as follows, and as set out by policy adopted by the SILC.

1. **Primary Responsibilities for the Chair:**

- a. The Chair of the NM SILC (or their designee) shall serve on the State Rehabilitation Councils (SRC) for the Division of Vocational Rehabilitation and the Commission for the Blind.
- b. The chair shall conduct all NM SILC quarterly meetings.
- c. The chair shall orient the NM SILC executive committee in the role of overseeing the NM SILC executive director.
- d. The chair shall ensure that NM SILC policies and procedures are written and up to date.
- e. In collaboration with the NM SILC Executive Committee, the Chair will oversee the NM SILC budget.
- f. The chair will provide 3 updates of NM SILC membership performance per fiscal year.

2. Primary Responsibilities for the Vice Chair:

- a. In the absence of the Chair, the Vice Chair shall assume all duties and responsibilities of the Chair.
- b. The Vice Chair shall serve on the NM SILC executive committee.

Section 2: NM SILC Staff. The NM SILC shall prepare, in conjunction with the Designated State Entity, a plan for the provision of resources, including staff, as may be necessary to carry out the functions of the NM SILC under Section 704, with funds made available under Innovation and Expansion (I&E) funds authorized by Section 721(a)(18); Independent Living Part B funds; State matching funds; other public funds (such as Social Security reimbursement funds); and private sources.

A. NM SILC Staff necessary to carry out the functions of the NM SILC shall be provided by the Designated State Entity through a contractual agreement between the DSE and an individual interested and knowledgeable in independent living philosophy, programs, and services under this title. This contractor is referred to as the NM SILC executive director;

B. The NM SILC shall, consistent with State law, supervise and evaluate the NM SILC executive director and any other contract staff as may be necessary to carry out the functions of the NM SILC; and

C. The NM SILC executive director and any other contract staff necessary to carry out the function of the NM SILC shall be required to enter into a contractual agreement with the Designated State Entity administratively responsible, prior to

carrying out any function of the NM SILC, and be held accountable to the NM SILC.

Section 3: NM SILC Committees.

A. Executive Committee

1. 100% of the members must be voting members of the NM SILC;
2. The Executive Committee shall be comprised of the NM SILC chair, vice chair, a representative of centers for independent living, and one (1) NM SILC at-large voting member individually appointed by the Chair and individually approved by a simple majority of the NM SILC.
3. Should the membership of the NM SILC ever fall below ten (10) voting members, the executive committee shall only consist of the Chair, Vice-Chair, and CIL representative. This change shall take place immediately and automatically upon the reduction below ten (10) voting members. Once the membership reaches ten (10) or more voting members, the executive committee shall immediately and automatically consist of the Chair, Vice-Chair, CIL representative, and one member at-large.
4. The Executive Committee shall reflect the NM SILC membership proportionately in terms of statewide representation.
5. This Committee shall exercise the overall governance of the NM SILC, subject to bylaws, policies, and any vote of the NM SILC membership.
6. The NM SILC Chair shall serve as the Chair of this committee.
7. The Executive Committee shall meet at the call of the NM SILC chair.
8. The Executive Committee will review the performance of the NM SILC Executive Director but the evaluation will be brought to the full council for discussion and approval.
9. Standing committees shall be established by the Executive Committee to carry out activities of the SPIL.

B. Nominating Committee:

1. There shall be one (1) Nominating Committee in an election year.
2. The Nominating Committee will be appointed by the NM SILC Chair and approved by a simple majority of the NM SILC at the last quarterly meeting of the Federal Fiscal Year.

3. 100% of the members must be voting members of the NM SILC;
4. The Nominating Committee shall be responsible for presenting a slate of nominees for the office of Chair and Vice-Chair at the first quarterly meeting of the subsequent Federal Fiscal Year.
5. Upon completion of the duties of the Nominating Committee, the Chairman shall dissolve the Nominating Committee.

C. Membership/Outreach Committee

1. At least 2/3 of the members must be voting members of the NM SILC.
2. The NM SILC Vice Chair shall serve as the Chair of this committee.

D. Other SILC committees:

1. At least 2/3 of their members must be voting members of the NM SILC.
2. The NM SILC Chair shall establish ad hoc committees when deemed necessary by the Chair, by the general membership of the NM SILC, or when directed by the Executive Committee.
3. A committee chair may be removed by the Executive Committee.

ARTICLE VII - Management by the NM SILC

Section 1: General Powers. The management of all the affairs and business of the NM SILC shall be vested in the NM SILC. The NM SILC is autonomous and shall have the power and duty to transact all the lawful business of the NM SILC, consistent with the Bylaws.

ARTICLE VIII – Compensation

Section 1: NM SILC members shall not receive compensation for their services as members except as allowed in Article VIII, Section 2, below.

Section 2: Pursuant to Section 705,(f) the NM SILC may use such resources to reimburse members of the SILC for reasonable and necessary expenses of attending NM SILC meetings and performing NM SILC duties (including childcare and personal assistance services), and to pay compensation to a member of the NM SILC, if such a member is employed and must forfeit wages from employment, for each day the member is engaged in performing NM SILC duties.

Section 3: NM SILC Members and their personal assistants shall be reimbursed for travel and per diem expenses only for official NM SILC activities. (Further details in NM SILC Policy and Procedures).

All reimbursement of travel and per diem to NM SILC members will comply with the New Mexico Department of Finance and Administration and NM SILC policies governing reimbursement to members of boards and commissions as stipulated in Regulations Governing The Per Diem And Mileage Act 2.42.2.1 NMAC.

A. Ex-officio, non-voting members shall not receive reimbursement through the NM SILC (Further details in NM SILC Policy and Procedures); and

B. Other individuals may be paid for expenses for presentations to the NM SILC and training and development activities based on policies adopted by the NM SILC.

ARTICLE IX - Conflict of Interest

Section 1: The NM SILC shall set forth in writing a policy governing the expenditure of funds, contract awards, nepotism, program review, and so forth, but generally identifying a conflict of interest as it relates to NM SILC members and participation.

Section 2: All NM SILC members shall be provided with a copy of the Governmental Conduct Act and shall be required to abide by the terms thereof:

A. No Member of the NM SILC shall enter into any grant, contract or employment with any agency of the State or other entity that would violate the Rehabilitation Act, Open Meetings Act, Governmental Conduct Act or any other federal, State, or local government body when by virtue of their relationship with the NM SILC would have a noncompetitive advantage; and no NM SILC member shall enter into any grant, contract agreements or employment with the NM SILC on their own behalf.

B. No member of the NM SILC shall enter into contracts with family members of public officials.

C. Members of the Executive Committee shall not be employed by the same organization.

ARTICLE X - Parliamentary Procedures

Section 1: Robert's Rules of Order shall govern the conduct of all NM SILC meetings, business and committee meetings to which they are applicable and not in conflict with these bylaws.

ARTICLE XI - Amendments to the Bylaws

Section 1: The Bylaws of the NM SILC shall be developed, approved, adopted, revised, and implemented by the NM SILC:

A. With at least Thirty (30) days prior written notice to current members of the SILC, adoption of the Bylaws and any revisions thereof shall be executed upon a favorable vote by at least a simple majority of the NM SILC voting members at the next quarterly meeting;

B. Suspension of one or more procedural rules, for the purpose of completing the business of the NM SILC, shall require a 2/3rds majority of the NM SILC voting members present; and,

C. The Bylaws of the NM SILC shall comply with appropriate Federal and State Laws.

ARTICLE XII – Severability

Section 1: These bylaws are severable and, if any bylaw, or part thereof, or the application of such bylaw to any member or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of these bylaws.

Section 2:

ADOPTED: Chairperson: Coby Livingstone, Chair (505-259-3672)

DATE: 10/01/2023

Motion By: Peggy Hayes

Second By: James Salas