

Nevada Commission on Services for Persons with Disabilities NRS 427A.121 - .1217

Mission Statement

~~“The mission of the Nevada Commission on Services for Persons with Disabilities is to f~~Facilitate and enhance the quality of life and services for children and adults with disabilities in Nevada.”

Adopted November, 2009

Vision Statement

~~“Become a visible and informed organization, establish priority of needs for Nevadans with disabilities, and a~~Advocate for programs and services to meet the needs of people with disability ~~those needs~~ through collaboration and education.”

Adopted November, 2009

Bylaws

6.1 Article I: Definitions

1. The term "Commission" refers to the ~~{Nevada-Disability-Services}~~ Nevada Commission on Services for Persons with Disabilities (CSPD).
2. The term "Department" refers to the Nevada Department of Health and Human Services (DHHS).
3. The term "Director" refers to the Director ~~of the,~~ Department of Health and Human Services or, by appointment of the Director, his/her Designee.
4. The term "Division" refers to the State of Nevada, Aging and Disability Services Division (ADSD).
5. The term "Administrator" refers to the Administrator of the Aging and Disability Services Division (ADSD).
6. The term "Chief" refers to the Chief of the Disability Services Unit, within the Aging and Disability Services Division (as the appointed Designee for the Administrator of ADSD).
7. The term "fiscal staff" refers to the Aging and Disability Services Division fiscal staff in the Carson City office.
8. The term "NRS" refers to ~~the~~ Nevada Revised Statutes.
9. The term "persons with disabilities" includes both children and adults with a physical or mental (intellectual or developmental) impairment that substantially limits one or more of the major life activities of the person.

6.2 Article II: Authority~~Creation~~

1. The Commission is authorized ~~created~~ by NRS Chapter 427A.121 (formerly 426) through 427A.1217 and shall establish rules for its own governance.

6.3 Article III: Duties

1. The Commission shallis required to:
 - A. Determine and evaluate the needs of persons across the lifespan children and adults with disabilities in this State;
 - B. Seek ways to avoid unnecessary duplication of services for persons with disabilities by public and private organizations in this State;
 - C. Establish priorities for the work of the Disability Services Unit of the Division according to the most pressing needs of persons with disabilities as determined by the Commission; and
 - D. Promote programs that provide community-based services necessary to enable persons with disabilities, to the fullest extent possible, to remain at home and be an integral part of the community.

2. The Commission may:
 - A. Review and make recommendations regarding plans for services for persons with disabilities;
 - B. Gather and disseminate information relating to persons with disabilities;
 - C. Conduct workgroups, meetings, hearings, conferences and special studies on the needs/problems of persons with disabilities, including the and on programs that currently, or could be developed to, serve persons with disabilities;
 - D. Evaluate existing programs for persons with disabilities, recommend changes in those programs and/or propose new programs that would more effectively and economically serve the needs of persons with disabilities;
 - E. Evaluate any proposed legislation that would affect persons with disabilities;
 - F. Collaborate with diverse stakeholders, and other interested parties, to carry~~Carry~~ out the actions documented in provisions of the Strategic Plan for Persons with Disabilities, as well as any other planning and/or improvement documents as may be presented to the CSPD for assistance; developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001;
 - G. Recommend to the Legislature any appropriate legislation concerning persons with disabilities; and
 - H. Coordinate and assist the efforts of public and private organizations that serve the needs of persons with disabilities, especially in the areas of education, employment, health, housing, welfare and recreation.

Comment [LAV1]: DAG suggested to limit to what is stated in NRS but, other documents are in accordance with meeting similar goals – opinions?

6.4 **Article IV: Membership (NRS 427A.1211)**

1. Voting Members (included in quorum for meetings):
 - A. The ~~11 Director shall appoint as~~-voting members of the Commission appointed by the DHHS Director, 11 persons ~~who~~ have experience with or an interest in and knowledge of the problems of and services for persons with disabilities across a broad range of disabilities;
 - B. The majority of the voting Commission members ~~of the Commission~~ must be persons with disabilities or the parents or family members of persons with disabilities; and
 - C. Preference may be given to members who represent rural areas of the state or significantly underserved populations.
2. Non-Voting Ex-Officio Members (not included in quorum for meetings):

- A. The Director and Disability Unit Chief shall serve as nonvoting ex-officio members of the Commission (each may designate an alternate in case of absences)~~to attend any meeting of the Commission in his place; and~~
- B. The Director may appoint as nonvoting, ex-officio members of the Commission such other representatives of State Government as the Director deems appropriate.

3. Term of Appointment

- A. The Director shall appoint voting members to an initial term between 1 – 3 years (staggered membership to ensure a quorum of knowledgeable members on an ongoing basis)
- B. After the initial term of an appointed member that person may be reappointed for an additional term of no more than three years; -
- C. Each voting member may serve not more than two terms, or six years, whichever is greater;
- D. In instances when a quorum of the voting members is appointed within the same year, these members will remain on the Commission for no more than one year to build membership and provide knowledge transfer to new members
- E. An appointed member serving more than one year of a term to which another person was appointed may serve only one additional full term as an appointed member; however, may be appointed to a partial term (up to two years) to ensure continuity of membership; and
- F. A vacancy on the Commission must be filled in the same manner as the original appointment and ensure staggered membership.

4. Nomination Process

- A. All applications, received from people interested in being appointed as a member of the Commission (CSPD), or any of its Subcommittee(s), are sent to ADSD support staff for logging;
- B. A copy of the application will be maintained by support staff, with the original sent to a CSPD Nomination Subcommittee, with a copy of the application sent to the applicable body to which the person would like to become a member;
 - Chairs of any CSPD subcommittees must be members of the Nomination Subcommittee
 - All Chairs ensure that other members are aware of nominations currently pending
 - Any recommendations and/or discussions about membership and applications that occur within

Comment [LAV2]: CSPD and SOCS do not have to have a nominating subcommittee so, we can continue or just have the Director nominate. I suggested removing this subcommittee in lieu of applications sent to ADSD who will submit to DHHS

- subcommittee meetings are discussed within their subcommittee and at the Nomination Subcommittee
- C. Nomination Subcommittee members are appointed, per Section 7 below, on an ongoing basis and be responsible for receiving applications logged by ADSD support staff;
- D. The process for reviewing applications must take no longer than three (3) months from reception of the application, review by the nomination subcommittee, and presentation to CSPD. Timeliness ensures respect for all applicants and membership appointment;
- E. Based on information from the Nomination Subcommittee, the CSPD informs ADSD of their recommendations for appointment. ADSD support staff will send a memo to the Director who will make the final determination and sign the appointment letter;
5. Removal of a Member by the Director
- A. The Director notifies members, in writing, of their termination from CSPD membership due to instances of malfeasance as follows:
- Malfeasance can generally be defined as failing to fulfill the duties stipulated in these by-laws and/or misconduct during meetings (including appropriate noting when a conflict between role as a member and other capacity exists) unexcused absences, etc.
 - Absences are unexcused when there is no prior notification by the member to ADSD support staff prior to a meeting. The Commission Chair can send a letter of termination to members who fail to appear, or give proper notice of absence, upon the third missed Commission meeting
 - ADSD support staff will send a notification email to the Director Unexcused absences from two consecutive meetings of the Commission constitute good and sufficient cause
6. Election of a Commission Chairperson and Vice-Chairperson
- A. The Election of a Commission shall annually elect a Chairperson from among its voting members and a Vice-Chairperson shall occur at the regularly scheduled Commission meeting immediately prior to July 1st of each year;
- B. All voting Commission members attending this meeting a shall be permitted to nominate and vote for a Chairperson and Vice-Chairperson; and

C. The Commission Chairperson ~~and Vice-Chairperson~~ shall be elected by a majority ~~vote of all~~ voting Commission members present.

7. Subcommittees

- A. The Chairperson ~~of the Commission~~ may appoint ~~Commission members to~~ subcommittees (or other types of advisory committee) to consider specific problems or other matters that are related to and for consideration of specific issues within the scope of the functions of the Commission;
- B. ~~Such appointed s~~Subcommittee (or advisory committee) must not contain more than membership will not exceed five (5) CSPD members (both voting and ex-officio);
- C. Members of such a subcommittee (or advisory committee) must be representative of the various geographical areas of the state and/or topic of activity; and
- D. Such Commission subcommittees (or advisory committees) are neither designated nor not the statutorily created by state statutes ~~subcommittees set out in NRS Chapter 426~~.

Comment [LAV3]: As much of 426 is now 427A, it may be best to refrain from specifying one specific statute. I think the point is that CSPD does not appoint entities that are otherwise directed by state statute to do something.

6.5 **Article V: Meetings**

- 1. The Commission ~~shall will~~ meet at least ~~quarterly once each calendar quarter~~ and at ~~the other~~ times and places specified by a on the call of the Director, the Chairperson or a majority of the voting members of the Commission;
- 2. ~~The Chairperson will approve the date and place of the meetings;~~
- 3. ~~All~~The meetings, including subcommittee meetings, are open to the public and subject to the requirements of the Nevada Open Meeting Law;
- 4. The Commission ~~Chairperson and Vice-Chairperson~~ will prioritize the list of the next agenda items at the end of each meeting
- 5. ~~The Chairperson will meet collaborate~~ with the Chief and ADSD support Division staff to finalizedevelop the agenda at least two weeks prior to the next for each Commission meeting;
- 6. A Commission member ~~may request~~ ing additions to that an item be placed on the an agenda must contact the Chief. Depending on the number of requests made by members, or the critical nature of an item, by contacting the Chairperson or Vice-Chairperson no later than 14 days prior to the posting of the meeting notice, the Chief will notify the Chair, via email, additions to the next agenda or items for future meetings. as required by Nevada's Open Meetings Law set out in NRS Chapter 241

6.6 Article VI: Minutes

1. The support staff person, under the supervision of the Chief, is will designate a Division support staff to act as the recording secretary, and logistical support person, for the Commission;
2. Preparation of Minutes – Minutes of the previous meeting will be transcribed and made available for inspection by the public within 30-working days after the adjournment of the meeting
 - A. The recording secretary will transcribe minutes from tape recording, notes taken at meeting and from agenda exhibits.
 - B. After a draft of minutes is prepared, they will be transmitted to members of the Commission for review prior to the next meeting.
 - C. Final approval of the minutes will be made at the next Commission meeting.
3. Minutes of each meeting of the Commission are considered public record and will be maintained in the Administrative Office of the Division; and
4. Minutes must be archived in accordance with Nevada Library and Archive procedures.

6.7 Article VII: Financial Reimbursement

1. Each voting member of the Commission is entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission, if funding is available for this purpose;
2. While engaged in the business of the Commission, each appointed member of the Commission, each person appointed to serve on a subcommittee or advisory committee of the Commission, and each employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, if funding is available for this purpose; and
3. Each voting member (unless other arrangements have been made regarding ex-officio members) that requires reimbursement must:
 - Register with the State Controller's Office as a vendor
 - Collaborate with ADSD staff at least 14 business days prior to travel, to develop a travel packet
 - Sign the travel reimbursement, provided by ADSD support staff at the time of the Commission meeting, and attach any necessary receipts

6.8 Article VIII: Rules of Order

1. The Commission will generally follow, as a guide, the Roberts Rules of Order where such rules do not conflict with NRS and these Bylaws.
2. Voting
 - A. There are 11-voting members of the Commission with each member having one vote.

- B. A simple majority of the voting members of the Commission constitutes a quorum for the transaction of all business with each voting member having one vote.
- C. A majority of the quorum present, in any matter within the scope of their duties, is required for the determination of any action to be taken.
- D. Voting members may abstain from voting.
- E. The Chair, as a voting member, may vote and/or make a motion for action on an item.
- F. The Chairperson will count and announce the results of the vote.
- G. A vote is not effective until it is announced and may be changed up to the time of the announcement.
- H. If a roll call vote is made, the vote will be recorded by the secretary with an indication of the names and vote of each member present.
- I. Proxy voting is prohibited.

6.9 Article IX: Conflict of Interest

1. Personal financial gain and private benefit to a Commission member or his/her spouse, child, step-child, parent or step-parent through the member's participation on the Commission shall be considered a conflict of interest and may lead to allegations of malfeasance.
2. The following actions are prohibited:
 - a. No Commission member or immediate family member mentioned in 6.9(1) above shall seek to influence any vote regarding the awarding of a contract, a grant or other business from the Commission when that member the individual knows that he or she has a direct or indirect financial interest in the awarding of such a contract or grant or other business.
 - 1) "Direct financial interest" is a situation that would result in a pecuniary benefit in the form of cash, salary or property to a person or his/her immediate family;
 - 2) "Indirect financial interest" is any situation that will result in a financial advantage to another person or organization with which a person has a relationship or association.
 - b. Except as compensation or reimbursement provided for by NRS Chapter 427A426, no Commission member, or his/her immediate family, may directly receive funds, including any portion of his/her salary, from any grant or contract funded by the Commission without first disclosing his or relationship to a person or entity seeking a grant, contract or other business from the Commission.

3. Nothing herein shall be construed to prohibit any firm, agency or organization that any Commission member or immediate family member is associated with from appearing before the Commission as part of the normal course business by the firm, agency or organization. Nor shall it be construed that employment in any firm, agency, or organization that any Commission member or immediate family member is associated with prohibit any Commissioner from engaging in discussion of, presentation on, or vote on business that comes before the Commission as part of the normal course of its activities.
4. Any Commission member, or family member of a Commissioner, who is a recipient of services from any division of the Department shall not be construed as having a conflict solely as a result of having a disability, being a recipient of services from any division of the Department or having a familial relationship with an individual with a disability or recipient of services from a division within the Department.
5. Any Commission member who is also a consumer of services from any agency, organization or project that receives funds through the Division shall not be considered to have a conflict of interest if his or her participation with that agency, organization or project is only as a consumer of services and ~~he or she~~ does not exercise any administrative or decision-making authority in that project or organization.
6. All Commission members shall disclose conflicts of interest to the Chief and the Commission, including uncertain or potential conflicts, as soon as the conflict becomes apparent. Commission members have an ongoing duty to disclose any conflicts of interest.
7. A disclosure of a conflict, including refraining from voting on applicable items, shall be made at all applicable times.
8. If a Commission member is uncertain whether a conflict may exist in a specific situation, the Commission shall determine if a conflict exists in consultation with the Chief and other Division or Department staff as appropriate.
9. Disclosure of any conflicts of interest shall be recorded in the meeting minutes.
10. A Commission member who discloses or has been found to have a conflict of interest must not participate in any discussion on any matter related to the subject of the conflict or unduly influence or vote in those areas where a conflict has arisen.
11. Any Commission member may bring suspected violations of this policy to the notice of the Commission Chairperson, including concerns/allegations of possible violation(s).
12. Once an allegation of a conflict has been brought to Commission Chairperson's attention, the Chairperson shall notify the Chief and the Commission member alleged to have violated the conflict interest provisions of the allegation. Once a conflict has been reported:

- a. The Chief ~~or his/her designee~~ will gather pertinent information regarding the alleged conflict of interest violation;
- b. Provide such information to the Commission.
13. Once the pertinent information has been gathered by the Chief ~~or his/her designee~~, the information will be forwarded to the Commission for a determination of whether a conflict of interest exists at the Commission's next regularly scheduled meeting.
14. Once the Commission determines if an allegation of a conflict of interest violation has been substantiated, the Commission shall determine if the violation is intentional or unintentional.
15. If it is determined by a majority vote of the Commission that a violation of the conflict of interest provisions was intentional, the Commission shall vote on the appropriate sanction, up to and including recommendation for removal of the member found to have a conflict of interest to the Director.
16. If it is determined by a majority vote of the Commission that a violation of the conflict of interest provisions was unintentional, the Commission, in consultation with the Chief, and other Division staff as appropriate, shall define the area of the conflict of interest and instruct the Commission member to refrain from participation or discussion when that area is the subject of any Commission actions.

Comment [LAV4]: I think there are some confusing statement in this section and would like to discuss. I think it best to include the Director and Administrator on this list as well

6.10 Article X: By-Laws

These Bylaws represent the rules of governance for the Commission on Services for Persons with Disabilities. They should be reviewed at least every three years to ensure applicability of guidance. When any changes to the by-law occur, they must be presented at the next regularly scheduled meeting, with changes approved by a simple majority of the voting members, with the current date of approval noted as a footer.