

Nevada Assistive Technology Council [Draft Proposed] Bylaws

Section 1 – Name

1.1 The name of this public body shall be the Nevada Assistive Technology Council (hereinafter “the AT Council”).

Section 2 – Authority

2.1 The AT Council was created in response to the Assistive Technology Act of 2004 (Public Law 108-364 of the 108th Congress on October 25, 2004, 118 Stat. 1707).

The Above Authority Replaced with updated AT Reauthorization Act.

OLD AT BYLAWS ARTICLE II. AUTHORITY (Current AT Council Bylaw Authority Section)

1. to promote assistive technology and its many uses for people with disabilities in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities;
2. to promote the development and expansion of assistive technology programs and concepts on a statewide basis;
3. to provide guidance to State agencies and local planning and nonprofit entities that are providing assistive technology services; and
4. to improve working relationships among councils, disability groups, State, federal and non-federal programs.

Section 3 – Purpose and Function; Creation

3.1 The duties and powers of the AT Council stem from 29 USC § 3003(c)(2) (A), which is entitled “Advisory

Council” and provides, “There shall be established an advisory council to provide consumer- responsive, consumer-driven advice to the State for, planning of, implementation of, and evaluation of the activities carried out through the grant, including setting the measurable goals described in subsection (d)(3).”

3.1.1 20 USC § 3003(d)(3) details that measurable goals are to relate to:

- (i) education, including goals involving the provision of assistive technology to individuals with disabilities who receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);
- (ii) employment, including goals involving the State vocational rehabilitation program carried out under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);
- (iii) telecommunication and information technology; and
- (iv) community living.

3.2 The purpose of these Bylaws is not to duplicate the federal or state Assistive Technology grant related provisions, but to

address topics not directly covered elsewhere that are within the authority of the AT Council (and within the confines of Nevada Open

Meeting Law, NRS 241) to address via bylaws. A copy of these Bylaws shall be available to the public on the AT Council's website and shared directly

with AT Council members upon their appointment.

Section 4 – Membership

4.1 The members of the AT Council are appointed by the Director of the Department of Health and Human Services. Prior to appointment, the AT Council may provide membership recommendations to the Director's

Office for consideration so long as those recommendations are consistent with the membership makeup described in section 4.1.1.

4.1.1 Members include:

(I) individuals with disabilities that use

assistive technology or the family members or guardians of the individuals;

(II) a representative of the designated state agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705);

(III) a representative of the designated State agency for individuals who are blind or that provides assistance or services

to adults who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if such agency is separate from the agency described in subclause (II); ? sub-clause

(IV) a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), or the Statewide

Independent Living Counsel established under section 705 of such Act (29 U.S.C. 796d);

(V) a representative of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (20 U.S.C. 3111);

(VI) a representative of the State educational agency, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(VII) a representative of an alternative financing program for assisted technology if –

(aa) there is an alternative financing program for assistive technology in the State,

(bb) such program is separate from the State assistive technology program supported under subsection (e) (2), and

(cc) the program described in item (aa) is operated by a non-profit entity. (VIII) a representative of 1 or more of –

(aa) the agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.),

(bb) the designated State agency for purposes of section 124 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15024),

(cc) the State agency designated under section 305(a) (1) of the Older

Americans Act of 1965 (42 U.S.C. 3025(a)(1) or an organization that receives assistance under such Act (42 U.S.C. 3001 et seq.),

(dd) an organization representing disabled veterans,

(ee) a University Center for Excellence in Developmental Disabilities Education, Research, and Service designated under section 151(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061(a)),

(ff) the State protection and advocacy system established in accordance with section 143 of the



Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043),

(gg) the State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15025),

(IX) representatives of other State agencies, public agencies, or private organizations, as determined by the State.

4.1.2 Majority –

(I) In general – not less than 51 percent of the members of the advisory council shall be members appointed under clause 4.1.1(I), a majority of whom shall be individuals with disabilities.

(II) Representative of Agencies – members appointed under

subclauses 4.1.1(II) through (IX) shall not count toward the majority membership requirement.

The Director of the Department of Health and Human Services shall appoint the members to the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. The Council shall have a minimum of seven (7) members and a maximum of twenty-one (21) members.

B. The Council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of types of services that an individual with a disability may receive.

Term Limits

(I) Each member of the AT Council shall serve **two (5)** year terms unless that member was appointed to fill a vacancy that occurred prior to expiration of the term for which the predecessor was appointed, in which case, that member shall be appointed for the remainder of such term.

(II) No member of the AT Council may serve more than two (2) consecutive full terms. ? The term of office of the Chair and Vice Chair is Two (3) year terms.

(III) A vacancy occurring in the AT Council 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 AT Council. If an AT Council member misses three (3) council and/or standing committee meetings within a calendar year, the AT Council may remove that member by an affirmative vote of the majority of the members present at a meeting of the Council. The Council member will be given an opportunity to be present and to be heard at the meeting at which his or her removal is considered.

F. Each member of the Council shall serve for a term of three (3) years except that a member appointed to fill a vacancy occurring prior to expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

G. No member of the Council may serve more than two (2) consecutive full terms.

4.2 Representation

4.2.1 Voting Members: All members appointed through the Nevada Department of Health and Human Services are voting members.

4.2.2 Non-Voting Members: There is no provision for non-voting members.

C. All voting of the Council shall be conducted as follows:

2. All decisions shall be made by a majority vote of the Members present at a meeting at which there is a quorum.

3. All votes will be by voice unless there is a request by a member for a roll call vote.

4. Proxy voting will not be permitted.

4.3 Terms and Termination of Service – Attendance, Qualification Change ?

4.3.1 AT Council members serving at the pleasure of the appointing authority and according to any terms contained in individual appointments.

4.3.1.1 Any AT Council member may notify the Chair and support staff of a change of circumstance for themselves, or other members related to continued eligibility to serve as an AT Council member. Upon receipt of such notification, the Chair or support staff may communicate the details of the same to the appointing authority for determination as to further action.

4.3.2 The AT Council shall notice the appointing authority of a given member of a failure to attend three successive meetings within 5 days after the third successive meeting that member fails to attend.

4.3.2.1 Failure to Attend: an absence which is not excused by the Chair or person acting as Chair on the record of the meeting for which the excused absence is to apply.

4.3.3 Members shall communicate in writing to the appointing authority of any resignation, (by choice or change in circumstance/qualification) and copy or otherwise share such correspondence to AT Council Chair and AT Council Staff.

4.3.3.1 Qualification: members must continue to retain qualifying status as an appointed member, including such requirements as status as a Nevada Resident.

AT Council's Admin Assistance will notify any member 2 months before completing a term, to allow said member to reapply for membership with the AT Council.

ARTICLE V. MEMBERSHIP

The Council shall not be a membership organization.

ARTICLE VI. COUNCIL MAKEUP

A. The Director of the Department of Health and Human Services shall appoint the members to the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. The Council shall have a minimum of seven (7) members and a maximum of twenty-one (21) members.

B. The Council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of types of services that an individual with a disability may receive.

4.4 Officers of the Board

- **4.4.1** The officers of the Board consist of the Chair and Vice Chair.
- **4.4.2** The term of office of the Chair and Vice Chair is Two (3) year terms.

- **4.4.3** The officers of the Council shall be elected by a majority of the members and must be selected from among the members.

F. Each member of the Council shall serve for a term of three (3) years except that a member appointed to fill a vacancy occurring prior to expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

G. No member of the Council may serve more than two (2) consecutive full terms.

B. The officers shall be elected as follows:

1. The officers of the Council shall be elected by a majority of the Members and must be selected from among the Members. The Chairperson and Vice-Chairperson shall be elected for two (2) year terms, or until the election of a successor, beginning as of the date elected.

2. Officers may be re-nominated and re-elected to the same posts for no more than two (2) consecutive terms.H. A vacancy occurring in the Council 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 Council.

4.4.4 There are no limits on successive years of service by a Chair or Vice Chair except such limits related to their underlying membership and election by properly noticed majority vote to their officer positions.

3. To assure an open election process, floor nominations will be accepted.

C. The Council may remove any officer with or without cause whenever in its judgment the best interest of the Council will be served thereby.

• **4.4.5 Duties of the Chair** – The Chair shall preside over meetings of the AT Council and engage with AT Council Staff related to timely determination of meeting agendas consistent **with** any prior votes of the AT Council related to contents of agendas, requests by the appointing authority and its related agencies, and the scope of the AT Council.

1. The Chairperson shall:

a. Assist in the development of meeting agendas, and preside at all meetings of the Council and, in the absence of the Vice- Chairperson, assign a designee from the Council to preside in his or her absence;

b. establish standing and ad hoc committees and task forces to assist the Council or committees in carrying out their respective responsibilities and designate the chair of all committees and task forces; and

c. be the official spokesperson for the Council.

4.4.6 Duties of the Vice Chair – The Vice-Chair’s duties are as the backup Chair.

2. The Vice-Chairperson shall:

a. in the absence of the Chairperson, perform the Chairperson's duties; and

b. assume the position of acting Chairperson if the position of the Chairperson is vacated, until such time as a new Chairperson is elected.

B. The officers shall be elected as follows:

1. The officers of the Council shall be elected by a majority of the Members and must be selected from among the Members. The Chairperson and Vice-Chairperson shall be elected for two (2) year terms, or until the election of a successor, beginning as of the date elected.

2. Officers may be re-nominated and re-elected to the same posts for no more than two (2) consecutive terms.

3. To assure an open election process, floor nominations will be accepted.

C. The Council may remove any officer with or without cause whenever in its judgment the best interest of the Council will be served thereby.

- **4.5 Attendance Requirements** – A simple majority of members of the AT Council represents a quorum and as there are no designees permitted by law to attend in lieu of a named member, attendance is an important component of service on the AT Council.

If a Council member misses three (3) Council and/or standing committee meetings within a calendar year, the Council may remove that member by an affirmative vote of the majority of the members present at a meeting of the Council. The Council member will be given an opportunity to be present and to be heard at the meeting at which his or her removal is considered

Section 5 – Voting

5.1 Each member of the AT Council shall have one vote.

C. All voting of the Council shall be conducted as follows:

1. Each Member shall have one vote.
2. All decisions shall be made by a majority vote of the Members present at a meeting at which there is a quorum.
3. All votes will be by voice unless there is a request by a member for a roll call vote.

(or raise hands with camera on using online meeting platform.)?

4. Proxy voting will not be permitted.

5.2 A quorum shall consist of attendance by a majority of the appointed membership.

5.3 Members present may abstain from a vote by placing that abstention on the record at the start of the discussion of an agenda item requiring a vote of the membership. *See also* Section 11 below regarding conflicts of interest.

E. All members shall be members and shall have equal voting rights on all matters to come before the Council.

H. A vacancy occurring in the Council 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 Council. If a Council member misses three (3) Council and/or standing committee meetings within a calendar year, the Council may remove that member by an affirmative vote of the majority of the members present at a meeting of the Council. The Council member will be given an opportunity to be present and to be heard at the meeting at which his or her removal is considered

Section 6 – Compensation

6.1 Members of the Advisory Council shall be uncompensated for their service in accordance with 29 USC § 3003(c)(2)

(C) but may seek reimbursement “for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.”

-

Section 7 – AT Council Staffing; Representation by Counsel

7.1 The appointing authority and/or the designated grant applicant agency may provide staff to support the obligations of their role and communications to Board members related to such matters may originate from such designated staff or be directed to such designated staff.

7.2 The Office of the Attorney General’s designated counsel unit (counsel for the Department of Health and Human Services) for the AT Council provides counsel to the appointing authority and the relevant state agencies and provides Open Meeting Law related counsel to the AT Council upon request.

Section 8 – Meetings

8.1 The AT Council shall meet at times, places, and modalities as necessary to conduct business of the AT Council.

2. The Council shall meet on a regular basis, with an objective of **four (4)** meetings per year, on such dates as shall be determined by the Council. The annual meeting of the Council may be counted as a regular meeting.

3. The meeting time and location of each meeting shall be specified with input from the Council. Council members may attend meetings by means of telephone conference or similar method by which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this paragraph shall constitute presence in person at such meeting.

2. The opportunity for public comment may be provided on each agenda.

3. A member of the Council is prohibited from making a decision, or participating in any manner in the decision regarding a matter in which he/she has a prohibited interest (i.e., conflict of

interest.)A Council member will have a prohibited interest when, in the course of his or her duties, he or she has the opportunity to perform some act or make some decision in his or her official capacity that might substantially affect the economic interest of either himself or herself or the individual agency or organization he or she represents exclusive of other agencies or organizations of similar purpose.

3. The meeting time and location of each meeting shall be specified with input from the Council. Council members may attend meetings by means of telephone conference or similar method by which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this paragraph shall constitute presence in person at such meeting.

H. Minutes shall be kept of all Council meetings. Minutes shall be maintained in the Office of Disability Services. Such minutes shall be made available to the public upon request.

8.2 A quorum shall consist of attendance of a majority of members appointed to the AT Council.

B. In order to conduct any official business, a quorum must be present. A quorum shall consist of fifty-one percent (51%) of the current Members.

8.3 Agenda items may be **submitted verbally at prior meetings** by members of the AT Council or **no later than five** business days before a given meeting by members as applicable.

?

1. Agendas for meetings shall be developed by the Aging and Disability Services Division with the assistance of the Chairperson. **Council members, other agencies, groups, organizations, or individuals desiring to place items on the agenda of a meeting must present those items and statements of their purpose to the Chairperson not less than ten (10) working days before a forthcoming meeting, and the Chairperson shall include timely requested items on the agenda for such meeting.**

8.4 Meetings shall be conducted and noticed in accordance with NRS Chapter 241, collectively known as Nevada's Open Meeting Law. Meetings shall follow parliamentary procedure as contained in Robert's Rules of Order insofar as they do not conflict with the Nevada Revised Statutes.

Section 9 –Subcommittees

9.1 The Chair may appoint a subcommittee or workgroup of the AT Council to study specific issues and report back with recommendations to the AT Council to the extent designated support staff are able to furnish modalities for such activities. A majority vote of the AT Council is necessary to approve the composition and object of a given subcommittee. Subcommittee are subject to Nevada's Open Meeting Law.

9.1.1 A subcommittee created by the AT Council shall end upon a pre-determined end date upon its creation or upon completion of its charge if the charge is not updated or modified by the AT Council by majority vote of members present at a meeting where quorum has been established.

9.3.1 Subcommittees may utilize the AT Council's designated support staff (Section 7) for scheduling, agendas, and minutes but should not require staff to fulfill substantive obligations of the subcommittee's charge from the AT Council, such as drafting reports or conducting research.

Section 10 – Amendments

10.1 Proposed amendments to the bylaws shall be submitted in writing to the Chair and AT Council support staff fourteen days prior to any meeting so



that they may be included on the agenda for consideration.

10.1.1 Proposed amendments when submitted in writing shall be complete at the time of submission for posting and timely review by members of the ITAB.

10.2 The bylaws may be amended by a two-thirds majority vote from voting members in attendance at a given meeting where quorum has been

established provided that the amendment has been submitted timely in writing and appropriately noticed on the agenda.

Section 11 – Conflicts of Interest; Ethical Obligations

11.1 Members shall be responsible for full disclosure of current or past affiliations which may cause a conflict of interest, or the appearance of impropriety related to their actions on a given

subject related to the duties of the AT Council. This includes declaration by a given member prior to discussion of any matter that would provide a direct financial benefit for that member or otherwise have the appearance of a conflict of

interest. This may also include disclosure to the

Chair and support staff of any current or past affiliations which the member believes could represent a future conflict given the activities of the AT Council.

11.2.1 A statement shall be made on the record indicating the abstention of the member from majoring motions or casting a vote before participating in related discussion. As with all activities of AT Council members, NRS Chapter 281A applies. Specifically, Members should make themselves aware of 281A.420 related to requirements as to conflicts of interest.

11.2.2 The AT Council's support staff shall maintain a list of generally

disclosed current or past affiliations such that members may be screened from appointment to subcommittees or other AT Council functions/ activities which would represent a conflict of interest, or the appearance of impropriety related to that member's involvement.

11.2 Members are responsible for their awareness of, and compliance with, such ethical restrictions and considerations as those included in NRS 281A. Counsel at the Office of the Attorney General and AT Council staff cannot advise members

and members are therefore encouraged to seek their own counsel as to individual concerns.

ADOPTED and APPROVED this _____ day of _____, two- thousand and twenty-three after a majority vote of Assistive Technology Council on the _____ day of _____, two- thousand and twenty-three.

_____ Chair, AT Council

(Missing Verbage listed below).

ARTICLE IV. LOCATION

The principal office of the Council at which the records of the Council will be kept, will be at the Office of Disability Services or at another location as may be fixed from time to time by the Council.

H. Minutes shall be kept of all Council meetings. Minutes shall be maintained in the Office of Disability Services. Such minutes shall be made available to the public upon request.

2. The opportunity for public comment may be provided on each agenda.

ARTICLE IX. AMENDMENTS

These bylaws may be amended at any regularly scheduled meeting of the Council by a two-thirds (2/3) vote of the current Members, provided that the amendment has been submitted in

accessible formats to each member of the Council at the meeting immediately prior to the meeting at which such amendment shall be voted on and provided that the amendment is not in conflict with any applicable state and federal laws and regulations.

Current AT Council Bylaws not included in proposed Bylaws.

ARTICLE VIII. PROCEDURES

A. All meetings of the Council shall be conducted according to the Nevada Open Meeting Law, Nevada Revised Statutes as it pertains to public bodies in the State.

B. In order to conduct any official business, a quorum must be present. A quorum shall consist of fifty-one percent (51%) of the current Members.

C. All voting of the Council shall be conducted as follows:

1. Each Member shall have one vote.
2. All decisions shall be made by a majority vote of the Members present at a meeting at which there is a quorum.
3. All votes will be by voice unless there is a request by a member for a roll call vote.
4. Proxy voting will not be permitted.

D. The meetings of the Council shall take place as follows:

1. The Council shall meet at least once annually, or at such other time as may be determined by the Aging and Disability Services Division, for the purpose of electing officers and transacting other business.

2. The Council shall meet on a regular basis, with an objective of four (4) meetings per year, on such dates as shall be determined by the Council. The annual meeting of the Council may be counted as a regular meeting.

3. The meeting time and location of each meeting shall be specified with input from the Council. Council members may attend meetings by means of telephone conference or similar method by which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this paragraph shall constitute presence in person at such meeting.

E. The agendas for Council meetings shall be prepared as follows:

1. Agendas for meetings shall be developed by the Aging and Disability Services Division with the assistance of the Chairperson. Council members, other agencies, groups, organizations, or individuals desiring to place items on the agenda of a meeting must present those items and statements of their purpose to the Chairperson not less than ten (10) working days before a forthcoming meeting, and the Chairperson shall include timely requested items on the agenda for such meeting.

2. The opportunity for public comment may be provided on each agenda.

3. A member of the Council is prohibited from making a decision,

or participating in any manner in the decision regarding a matter in which he/she has a prohibited interest (i.e., conflict of interest.)A Council member will have a prohibited interest when, in the course of his or her duties, he or she has the opportunity to perform some act or make some decision in his or her official capacity that might substantially affect the economic interest of either himself or herself or the individual agency or organization he or she represents exclusive of other agencies or organizations of similar purpose.

G. In questions of parliamentary procedure, Roberts' Rules of Order shall be followed.

H. Minutes shall be kept of all Council meetings. Minutes shall be maintained in the Office of Disability Services. Such minutes shall be made available to the public upon request.

1.

ARTICLE IX. AMENDMENTS

These bylaws may be amended at any regularly scheduled meeting of the Council by a two-thirds (2/3) vote of the current Members, provided that the amendment has been submitted in accessible formats to each member of the Council at the meeting immediately prior to the meeting at which such amendment shall be voted on and provided that the amendment is not in conflict with any applicable state and federal laws and regulations.

=====

Website to (Public Law 108-364 of the 108th Congress on October 25, 2004, 118 Stat. 1707) listed below for review.

[https://www.govinfo.gov/content/pkg/ STATUTE-118/pdf/ STATUTE-118- Pg1707.pdf](https://www.govinfo.gov/content/pkg/STATUTE-118/pdf/STATUTE-118-Pg1707.pdf)

PUBLIC LAW 108–364—OCT. 25, 2004 118 STAT. 1709

Nevada Assistive Technology (AT) Council Bylaws

ARTICLE I. NAME

The name of this corporation shall be the NEVADA ASSISTIVE TECHNOLOGY COUNCIL, hereinafter referred to as the “Council.”

ARTICLE II. AUTHORITY

A. The Council is organized and shall be operated as an advisory Council to the Office of Disability Services or any successor agency that is responsible for implementation of the Assistive Technology Act of 2004, as amended (hereinafter referred to as the “Act”).

B. The general purpose of the Council is to fulfill its duties under the Act.

C. The mission of the Council is to provide consumer-responsive, consumer-driven advice for the planning, implementation and evaluation of assistive technology programs.

D. The specific purposes of the Council is:

1. to promote assistive technology and its many uses for people with disabilities in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities;
2. to promote the development and expansion of assistive technology programs and concepts on a statewide basis;
3. to provide guidance to State agencies and local planning and nonprofit entities that are providing assistive technology services; and
4. to improve working relationships among councils, disability groups, State, federal and non-federal programs.

ARTICLE IV. LOCATION

The principal office of the Council at which the records of the Council will be kept, will be at the Office of Disability Services or at another location as may be fixed from time to time by the Council.

ARTICLE V. MEMBERSHIP

The Council shall not be a membership organization.

ARTICLE VI. COUNCIL MAKEUP

A. The Director of the Department of Health and Human Services shall appoint the members to the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. The Council shall have a minimum of seven (7) members and a maximum of twenty-one (21) members.

B. The Council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of types of services that an individual with a disability may receive.

C. The members of the advisory council shall receive no compensation for their service on the advisory council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

D. The Council shall include:

1. individuals with disabilities that use assistive technology or the family members or guardians of such

individuals. This category must represent a majority of the Council. Members who are appointed under the following categories cannot count toward this majority;

2. a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) and the State agency for individuals who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if such agency is separate;

3. a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.);

4. a representative of the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821);

5. a representative of the State educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

6. representatives of other State agencies, public agencies, or private organizations, as determined by the State.

o

E. All members shall be members and shall have equal voting rights on all matters to come before the Council.

o

F. Each member of the Council shall serve for a term of three (3) years except that a member appointed to fill a vacancy occurring prior to expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

G. No member of the Council may serve more than two (2) consecutive full terms.

H. A vacancy occurring in the Council 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 Council. If a Council member misses three (3) Council and/or standing committee meetings within a calendar year, the Council may remove that member by an affirmative vote of the majority of the members present at a meeting of the Council. The Council member will be given an opportunity to be present and to be heard at the meeting at which his or her removal is considered

ARTICLE VII. OFFICERS

A. The officers of the Council shall be Chairperson and Vice-Chairperson with duties as described below.

1. The Chairperson shall:

- a. Assist in the development of meeting agendas, and preside at all meetings of the Council and, in the absence of the Vice-Chairperson, assign a designee from the Council to preside in his or her absence;
- b. establish standing and ad hoc committees and task forces to assist the Council or committees in carrying out their respective responsibilities and designate the chair of all committees and task forces; and
- c. be the official spokesperson for the Council.

2. The Vice-Chairperson shall:

- a. in the absence of the Chairperson, perform the Chairperson's duties; and
- b. assume the position of acting Chairperson if the position of the Chairperson is vacated, until such time as a new Chairperson is elected.

B. The officers shall be elected as follows:

1. The officers of the Council shall be elected by a majority of the Members and must be selected from among the Members. The Chairperson and Vice-Chairperson shall be elected for two (2) year terms, or until the election of a successor, beginning as of the date elected.
2. Officers may be re-nominated and re-elected to the same posts for no more than two (2) consecutive terms.

3. To assure an open election process, floor nominations will be accepted.

C. The Council may remove any officer with or without cause whenever in its judgment the best interest of the Council will be served thereby.

ARTICLE VIII. PROCEDURES

A. All meetings of the Council shall be conducted according to the Nevada Open Meeting Law, Nevada Revised Statutes as it pertains to public bodies in the State.

B. In order to conduct any official business, a quorum must be present. A quorum shall consist of fifty-one percent (51%) of the current Members.

C. All voting of the Council shall be conducted as follows:

1. Each Member shall have one vote.
2. All decisions shall be made by a majority vote of the Members present at a meeting at which there is a quorum.
3. All votes will be by voice unless there is a request by a member for a roll call vote.
4. Proxy voting will not be permitted.

D. The meetings of the Council shall take place as follows:

1. The Council shall meet at least once annually, or at such other time as may be determined by the Aging and Disability Services Division, for the purpose of electing officers and transacting other business.

2. The Council shall meet on a regular basis, with an objective of four (4) meetings per year, on such dates as shall be determined by the Council. The annual meeting of the Council may be counted as a regular meeting.

3. The meeting time and location of each meeting shall be specified with input from the Council. Council members may attend meetings by means of telephone conference or similar method by which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this paragraph shall constitute presence in person at such meeting.

E. The agendas for Council meetings shall be prepared as follows:

1. Agendas for meetings shall be developed by the Aging and Disability Services Division with the assistance of the Chairperson. Council members, other agencies, groups, organizations, or individuals desiring to place items on the agenda of a meeting must present those items and statements of their purpose to the Chairperson not less than ten (10) working days before a forthcoming meeting, and the Chairperson shall include timely requested items on the agenda for such meeting.

2. The opportunity for public comment may be provided on each agenda.

3. A member of the Council is prohibited from making a decision, or participating in any manner in the decision regarding a matter in which he/she has a prohibited interest (i.e., conflict of interest.) A Council member will have a prohibited interest when, in the course of his or her duties, he or she has the opportunity to perform some act or make some decision in his or her official capacity that might substantially affect the economic interest of either himself or herself or the individual agency or organization he or she represents exclusive of other agencies or organizations of similar purpose.

G. In questions of parliamentary procedure, Roberts' Rules of Order shall be followed.

H. Minutes shall be kept of all Council meetings. Minutes shall be maintained in the Office of Disability Services. Such minutes shall be made available to the public upon request.

I. Any member of the Council or a committee may resign at any time by giving notice of his or her resignation to the Chairperson or Aging and Disability Services Division. Such resignation shall take effect at the time specified therein or, if no time is specified, at the time of the receipt thereof, and, unless otherwise specified in the

notice, the acceptance of such resignation shall not be necessary to make it effective.

1.

ARTICLE IX. AMENDMENTS

These bylaws may be amended at any regularly scheduled meeting of the Council by a two-thirds (2/3) vote of the current Members, provided that the amendment has been submitted in accessible formats to each member of the Council at the meeting immediately prior to the meeting at which such amendment shall be voted on and provided that the amendment is not in conflict with any applicable state and federal laws and regulations.

