

***Olmstead* Consumer Taskforce Bylaws**

REVISION 01/18/2008

ARTICLE I - NAME

The name of this organization shall be the *Olmstead* Consumer Taskforce.

ARTICLE II - MISSION

The purposes of the *Olmstead* Consumer Taskforce (hereinafter referred to as “the Taskforce”) are:

Section 1. Duties and Activities

- A. To monitor Iowa’s response to the U. S. Supreme Court’s *Olmstead* decision and to collaborate with state agencies in the implementation of *Olmstead* in Iowa.
- B. To educate Iowans about the *Olmstead* Decision and its implications for public policy in Iowa.
- C. To inform and advise policy makers about the needs, rights, and preferences of Iowans with disabilities and long term care needs.
- D. To monitor existing laws and pending legislation and make recommendations to promote consistency with the *Olmstead* Decision.
- E. To support systems change that promotes choice, fairness, equity, accessibility, and availability of individualized services for people with disabilities and long term care needs.
- F. To advocate for Iowans with disabilities and long term care needs.
- G. To organize as a proactive and effectively working Taskforce.
- H. To develop, review, and update the Iowa Plan for Community Development in cooperation with the Iowa Department of Human Services.

Section 2. Records

- A. The Iowa Department of Human Services shall maintain all official records of the Taskforce in accordance with state law.
- B. The Executive Committee shall maintain copies of any records deemed necessary for Taskforce activities.

ARTICLE III - MEMBERSHIP

Section 1. General

The membership of the Taskforce shall represent the diverse population of the State of Iowa, to the fullest extent possible. The Taskforce will make every effort to represent a cross-section of people with all disabilities or long term care needs.

The Iowa Department of Human Services has been designated by the Governor as the lead agency for Olmstead activities and as such, will provide staff support to the Taskforce.

Section 2. Requirements

The *Olmstead* Consumer Taskforce shall abide by the following membership requirements:

- A. At least 50 percent of the members of the Taskforce shall be individuals who are not State employees and are not providers of disability related or long term care services.
 1. A provider of disability related services is an individual who receives money, from any source, to provide disability related services to consumers either directly or through a contractual agreement.
 2. Advocacy organizations, and their employees, shall not be considered providers of disability related services solely because of such status.
 3. Volunteers and members of advisory and governing boards shall not be considered providers solely because of such status.

Section 3. Membership Categories

A. Voting Members

The membership shall be thirty (30) voting members, designated as follows:

1. Over one-half the members (at least sixteen (16) members] shall be people with disabilities or long term care needs or family members of people with disabilities or long term care needs.
2. At least one-third (10) of the members shall be people with disabilities or long term care needs.
3. At least (6) of the members shall be family members of people with disabilities or long term care needs.
4. At least (2) of the members shall be people over age 60 who can effectively represent the interests of older lowans with disabilities or long term care needs.
5. At least (2) of the voting members shall be people who can effectively represent the interests of children and youth with disabilities or long term care needs.

6. At least (2) of the voting members shall be people who currently reside or have resided in an institutional or congregate care facility and can effectively represent the interests of institutionalized persons.
7. At least (2) of the voting members shall be people who represent statewide advocacy organizations which promote community integration for people with disabilities or long term care needs.
8. The remainder of the voting members shall be individuals who represent advisory or governing boards, county governments, providers of disability related services, or other groups with an interest in promoting community integration for people with disabilities and long term care needs.

B. Non-Voting Members

The membership shall also include up to thirty (30) non-voting ex-officio members representing agencies of state government and the Iowa General Assembly.

- Board of Regents
 - Iowa Department of Administrative Services
(formerly the Iowa Department of General Services and the Iowa Department of Personnel)
 - Department for the Blind
 - Department of Civil Rights
 - Department of Corrections
 - Department of Economic Development
 - Department of Education
 - Department of Elder Affairs
 - Department of Human Rights
 - Department of Human Services
 - Department of Inspections and Appeals
 - Department of Management
 - Department of Public Health
 - Department of Public Safety
 - Department of Transportation
 - Department of Veterans Affairs
 - Department of Work Force Development
 - Iowa Finance Authority
 - Iowa Veterans Home
- Iowa General Assembly:
- one representative of Senate Democrats
 - one representative of Senate Republicans
 - one representative of House Democrats
 - one representative of House Republicans

Section 4. Nominations

- A. All new and reapplying members will be subject to a written application process for each term.
- B. The written application for Taskforce membership must be received by a designated recipient at the Iowa Department of Human Services by close of business on the due date specified in the announcement for applications.
- C. Individuals representing the Iowa General Assembly will be nominated by the Majority and Minority Leaders of their respective chambers.

Section 5. Terms of Office

- A. The term of office of a Taskforce member shall be three years.
- B. Membership terms shall be staggered so that one-third of the total number expires each year.
- C. To maintain the staggered term structure, each full membership term will begin with the first meeting after the annual meeting.
- D. Members elected to fill an unexpired term will begin their term at the first meeting following their election.
- E. Members elected to fill an unexpired term will be subject to a written application process at the end of the unexpired term.

Section 6. Vacancies

- A. Taskforce membership ends based on the following circumstances:
 - 1. A member resigns or dies.
 - 2. A member is deemed inactive by the Taskforce upon the relevant facts having been presented.
 - 3. A member does not reapply for another term at the conclusion of his or her term.
 - 4. A member fails to meet the minimum attendance policy of the Taskforce as defined in Article V, Section 2.
 - 5. The Taskforce votes to terminate the member for just cause, as defined by the procedures required in Article IV, Section 1.
 - 6. In the case of an ex-officio State agency member, the member's term ends when a new individual is nominated by the State agency and confirmed by the Taskforce.

ARTICLE IV - RIGHTS OF MEMBERS

Section 1. Termination for Just Cause

- A. Any member or members who feel just cause exists for another member to be terminated pursuant to Article III, Section 6, (E), must present a written statement of the reasons for the proposed termination to the Executive Committee.
- B. The Executive Committee shall review any such written statement and determine if the matter has merit to be presented to the full Taskforce.
- C. The Executive Committee only is empowered to present a motion for termination of a member for just cause before the full Taskforce.
- D. A motion for termination for just cause must be accompanied by a written statement of the reasons for the proposed termination.
- E. The member who is the subject of the motion must be given an opportunity to respond to the written statement before the Taskforce, prior to any action being taken.
- F. The member may be removed from the Taskforce for just cause following a due process hearing by majority vote of the voting members.

ARTICLE V - MEETINGS

Section 1. General

- A. Regular and special meetings of the Taskforce shall be called by either:
 - 1. The Executive Committee; or
 - 2. Ten (10) or more Taskforce members
- B. The Taskforce shall meet no less than four (4) times each year.
- C. Members shall be given at least two weeks advance notice of regular meetings. Special meetings may be called and noticed as necessary. Meeting notices must include place, date, and hour. Meeting agendas shall be posted as required by law.
- D. The Annual Meeting shall take place in March of every year, unless otherwise scheduled by majority vote of the Taskforce and upon at least three months notice to all Taskforce members of record.
- E. All Taskforce meetings, or other meetings and events sponsored by the Taskforce, shall be held in a location accessible to all people. Materials shall be made in an alternative format upon request.

Section 2. Attendance

- A. All members will be required, at a minimum, to attend one-half of the regular (quarterly) meetings of the Taskforce for each year. After three consecutive absences, a member shall be notified that his or her position may be declared vacant. Failure to notify the member does not constitute a waiver of the attendance requirements. The Taskforce shall determine final action by majority vote of the voting members.
- B. Attendance may be accomplished in person or by telephone conference call.

Section 3. Voting Rights

- A. Each member of the Task Force in attendance shall be entitled to one (1) vote.
- B. A Member may prearrange with staff to attend meetings and vote by telephone, if technically possible at the meeting location.
- C. No proxy voting is allowed.
- D. All members shall act in accordance with General Ethical Principles Regarding Conflict of Interest in Iowa Code Chapter 68B (Conflicts of Interest).
- E. The Taskforce Chairperson casts a vote only in the event of a tie.

Section 4. Quorum

- A. A quorum will constitute no less than two-thirds of the Taskforce members eligible to vote. The number of members eligible to vote if all Task Force positions are filled is thirty (30). If all Task Force positions are filled, quorum is twenty (20) members.
- B. A meeting may continue when the number of members present is less than a quorum. Members may not vote on any issues in the absence of a quorum

Section 5. Parliamentary Authority

- A. Meetings shall be conducted according to the current version of Roberts Rules of Order, as periodically revised, and comply with the requirements of Iowa Code Chapter 21 (Open Meetings) and Iowa Code Chapter 22 (Open Records).
- B. A Parliamentarian may be elected by majority vote of the Taskforce to interpret and enforce procedural rules.

ARTICLE VI - OFFICERS

The officers of the Taskforce shall be a Chairperson, Vice-Chairperson, and Secretary.

Section 1. Nomination and Election

- A. The Nominations Committee shall bring forward a slate of officers to the full Taskforce.
- B. Election of officers shall normally take place at the Annual Meeting, but may be called at another date at the discretion of the Executive Committee.
- B. Officers shall be elected by majority vote of the voting members.

Section 2. Term of Office

- A. Officers shall be elected for a one-year term.
- B. There shall be no limit to the number of terms an individual member may be elected to office.

ARTICLE VII - DUTIES OF OFFICERS

Section 1: Chairperson

- A. The Chairperson shall preside at Taskforce meetings.
- B. The Chairperson, in cooperation with the Executive Committee and a representative of the Iowa Department of Human Services, shall:
 - 1. Ensure members are notified of meetings in a timely manner;
 - 2. Establish and publish the agenda for Taskforce meetings;
 - 3. Establish and publish an annual calendar for Taskforce meetings;
 - 4. Report to the Director of the Iowa Department of Human Services and the Governor of the State of Iowa, on matters relating to the implementation of Iowa's response to the *Olmstead* Decision;
 - 5. Serve as liaison between the Taskforce and other groups and organizations, including the Iowa Department of Human Services and its many advisory bodies;
 - 6. Communicate with and regularly report to the Taskforce;
- C. The Chairperson shall perform other duties as determined or designated by the Taskforce.

Section 2: Vice Chairperson

- A. The Vice Chairperson shall assume the duties of the Chairperson in cases when the Chairperson is unable to do so.
- B. The Vice Chairperson shall act as Temporary Chairperson until the Taskforce elects a new Chairperson.
- C. The Vice Chairperson shall perform other duties as determined or designated by the Taskforce.

Section 3: Secretary

- A. The Secretary shall approve minutes of any and all Taskforce meetings.
- B. The Secretary shall monitor and verify the accuracy of votes of Taskforce business and motions.
- C. The Secretary shall ensure that all minutes of meetings and records of Taskforce business are compiled and maintained by the Iowa Department of Human Services to be retained in perpetuity.
- D. The Secretary shall perform other duties, as determined or designated by the Taskforce.

ARTICLE VIII - COMMITTEES

Section 1. Standing Committees

- A. Four (4) committees are authorized by these Bylaws: (a) Executive Committee; (b) Nominations Committee; (c) Legislative Study Committee; (4) Public Information Committee.
- B. Committee members shall be elected annually by a majority vote of the Taskforce at the meeting following the Annual Meeting.
- C. The Chair of each committee shall be elected by majority vote of the committee members.
- D. In electing committee members, efforts will be made to reflect the diversity of the Taskforce membership categories.

Section 2. Executive Committee

- A. The Executive Committee shall consist of six (6) persons: the Chairperson, the Vice-Chairperson, the Secretary, and the Chairpersons of each of the other standing committees.
- B. The Executive Committee shall review *Conflict of Interest Disclosures Statements* and make recommendations to the full Taskforce on Conflict of Interest issues.

- C. The Executive Committee shall establish ad hoc committees as needed.
- D. The Executive Committee, in cooperation with a representative of the Iowa Department of Human Services, shall:
 - 1. Ensure members are notified of meetings in a timely manner;
 - 2. Establish and publish an agenda for Taskforce meetings;
 - 3. Establish and publish an annual calendar for Task Force meetings;
 - 4. Report to the Director of the Iowa Department of Human Services and the Governor of the State of Iowa, on matters relating to the implementation of Iowa's response to the *Olmstead* Decision;
 - 5. Serve as liaison between the Taskforce and other groups and organizations, including the Iowa Department of Human Services and its many advisory bodies;
 - 6. Communicate with and regularly report to the Taskforce.
- E. The Executive Committee shall perform other duties, as determined or designated by the Taskforce.

Section 3. Nominations Committee

- A. The Nominations Committee shall consist of no less than five (5) Taskforce members.
- B. The Nominations Committee shall nominate persons for the offices of Chairperson, Vice-Chairperson, and Secretary for consideration by the entire Taskforce.
- C. The Nominations Committee shall be responsible for soliciting and reviewing applications for Taskforce membership, and making recommendations to the Taskforce.

Section 4. Legislative Study Committee

- A. The Legislative Study Committee shall consist of no less than five (5) Taskforce members.
- B. The Legislative Study Committee shall study existing State laws, regulations, and pending legislation to identify areas of existing conflict with or potential support for the *Olmstead* Decision.
- C. The Legislative Study Committee shall make recommendations to the Taskforce, including strategies that advance its mission.

Section 5. Public Information Committee

- A. The Public Information Committee shall consist of no less than five (5) members.

- B. The Public Information Committee, in cooperation with the Executive Committee, shall prepare information for public distribution regarding issues before the Taskforce.
- C. The Public Information Committee shall organize events, as deemed necessary by the Taskforce, which may further the goals of the Taskforce.
- D. The Public Information Committee shall work to establish collaborative relationships with other organizations, to further the goals of the Taskforce.

Section 6. Ad Hoc Committees

- A. The Executive Committee shall create and appoint ad hoc committees to carry out any necessary Taskforce business or activities that are not expressly provided for in these Bylaws.

ARTICLE IX - CONFLICT OF INTEREST

The Taskforce respects the rights of all members in their activities outside of their association with the Taskforce, should such activities not conflict with or adversely reflect upon the Taskforce. It is Taskforce policy to place trust in each member's integrity, judgment, and dedication. It is also important to avoid even the appearance of a conflict of interest. Accordingly, the policy set forth below has been adopted:

- A. All members are expected to declare any financial or personal affiliations that could interfere with their effectiveness in representing the interests of individuals with disabilities and long term care needs on the Task Force, or on their effectiveness in representing the Taskforce to the public.
- B. All members shall complete a *Conflict of Interest Disclosure Statement*, including information on any of the following situations:
 1. Holding a financial interest in a company, organization, or agency that provides services to individuals with serious mental illness or serious emotional disturbance.
 2. Holding a financial interest in any company, organization, or agency that bills or contracts with Medicaid, Medicare, or the Department of Human Services for services rendered.
 3. Membership on other taskforces, boards, commissions, or public bodies that may have interests conflicting with those of the *Olmstead* Consumer Taskforce.
- C. In the course of Taskforce business, members will be expected to identify instances when a conflict or the appearance of a conflict of interest exists and voluntarily abstain from voting in those situations.
- D. Each member shall sign and place on file with the Taskforce a *Conflict of Interest Disclosure Statement*, updated annually. (See Appendix A).

- E. Any conflict of interest issues that come to the attention of the Taskforce shall be reviewed by the Executive Committee.

ARTICLE X - AMENDMENTS

- A. These Bylaws may be altered, amended, or repealed, by a majority vote of the Taskforce members at any regular or special meeting of the Taskforce, following a reading, provided that:
 - 1. The proposed amendments have been given a first reading at a prior meeting, and
 - 2. The proposed amendments were submitted to the membership in writing at least two (2) weeks in advance of the meeting where the vote will take place.
- B. An ad hoc Bylaws Committee shall be created by the Executive Committee when necessary for the consideration and development of amendments proposed by Taskforce members or by the officers.

First reading: _____

Second reading: _____

These Bylaws accepted and adopted by majority vote of the Iowa *Olmstead* Consumer Taskforce on _____, 20____.

**Appendix A
Conflict of Interest Disclosure Statement**

Ethical Considerations of Taskforce Membership:

(1) Individual Taskforce members have no authority apart from the full Taskforce and cannot act on their own or take action on behalf of the Taskforce without being authorized to do so by the bylaws or the official act of the Taskforce.

(2) All Taskforce members are expected to support the decisions of the Taskforce. Taskforce members are discouraged from taking personal action to discredit the dignity and integrity of the Taskforce, staff, or individual members.

I, _____, have read the Iowa Olmstead Consumer Taskforce Conflict of Interest Policy and state by my signature below that I am in compliance with it and will continue to observe this policy carefully throughout my association with the Taskforce.

In addition, I am disclosing possible conflicts of interest or the potential for the appearance of conflicts of interest, as follows:

Signed: _____

Date: _____

The information in this Conflict of Interest Disclosure Statement will be reviewed by the Executive Committee of the *Olmstead* Consumer Taskforce and maintained as part of the official record of the Taskforce by the Iowa Department of Human Services. If any actual or potential conflict requires attention, the Executive Committee will attempt to resolve the perceived conflict(s).