

# **Olmstead Consumer Taskforce Bylaws**

[Revised 11/09/2012]

## **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 2.1. 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 advocate for Iowans with disabilities and long term care needs.
- C. To organize as a proactive and effectively working Taskforce.
- D. To educate Iowans about the *Olmstead* Decision and its implications for public policy in Iowa.
- E. To inform and advise policy makers about the needs, rights, and preferences of Iowans with disabilities and long term care needs.
- F. To monitor existing laws and pending legislation and make recommendations to promote consistency with the Olmstead Decision.
- G. To support systems change that promotes choice, fairness, equity, accessibility, and availability of individualized services for people with disabilities and long term care needs.
- H. To assist and encourage the departments and agencies of the state of Iowa to ensure compliance with the Olmstead decision.

### Section 2.2. 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 3.1. 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 3.2. 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. 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.
  - 1. Advocacy organizations, and their employees, shall not be considered providers of disability related services solely because of such status.
  - 2. Volunteers and members of advisory and governing boards shall not be considered providers solely because of such status.
  - 3. Peer support specialists shall not be considered providers of disability related services solely because of such status.

### Section 3.3. Membership Categories

#### A. Voting Members

The membership shall be twenty-one (21) voting members, designated as follows:

- 1. Over one-half of the members [at least eleven (11) 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 two (2) of the members shall be people over age 60 who can effectively represent the interests of older Iowans with disabilities or long term care needs.
- 3. At least two (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.
- 4. At least one (1) of the voting members shall be a person who currently resides or has resided in an institutional or congregate care facility and can effectively represent the interests of institutionalized persons.

5. At least two (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.
6. 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

A. 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
- Department of Administrative Services
- Department on Aging
- Department for the Blind
- Department of Civil Rights
- Department of Corrections
- Department of Economic Development
- Department of Education
- 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

Individuals representing the Iowa General Assembly shall be nominated by the Majority and Minority Leaders of their respective chambers.

Section 3.4. Nominations

- A. All new and reapplying members shall be subject to a written application process for each term. 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.

Section 3.5. Terms of Office

- A. The term of office of a Taskforce member shall be three years. Members shall be limited to two consecutive full terms. After a member has filled two full terms, a year must elapse before the individual is eligible to serve another term. An individual

appointed to fill the unexpired term of a member who has vacated his/her seat on the Taskforce is eligible to serve two additional terms.

- 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 3.6. 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.
  - 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 4.1. 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(A)5, 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 5.1. General**

- A. The Taskforce shall have regular meetings at least four (4) times a year at a time and place designated by resolution. 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 chair or a designee shall provide notice of a meeting through mail or electronic communication not less than fourteen (14) days before the date of the meeting. The notice shall state the place, date, and hour of the meeting. The notice will be deemed delivered when deposited in the United States mail, addressed to the member as it appears on the records of the Taskforce. Meeting agendas shall be posted as required by law.
- C. An Annual Meeting of the Taskforce shall be held in March of each year at such time and place designated by Taskforce members.
- D. Taskforce members may participate in a meeting in person, by telephone call or other similar communication. All members participating in the meeting shall have needed accommodations provided, and participation in a meeting pursuant to this provision shall constitute presence in person at the meeting.
- E. All Taskforce meetings, or other meetings and events sponsored by the Taskforce, shall be held in a location accessible to all people. Prior reasonable accommodation requests that are necessary for persons with disabilities to fully participate shall be provided for these meetings. All meeting notices sent out and materials shall be in an accessible format.

### **Section 5.2. Attendance**

- A. All members shall be required to attend Taskforce meetings consistent with the *Olmstead Consumer Taskforce Attendance Policy*. After three consecutive unexcused absences, a member shall be notified by priority mail with delivery confirmation that his or her position has been declared vacant for nonattendance. Failure to notify the member does not constitute a waiver of the attendance requirements.

### Section 5.3. Voting Rights

- A. Each member of the Taskforce in attendance shall be entitled to one (1) vote.
- B. Each member shall act in accordance with General Ethical Principles Regarding Conflict of Interest in Iowa Code Chapter 68B (Conflicts of Interest).

### Section 5.4. Quorum

- A. A quorum shall constitute no less than a majority plus one (1) of the Taskforce members eligible to vote. The number of members eligible to vote if all Taskforce positions are filled is twenty-one (21). If all Taskforce positions are filled, quorum is twelve (12) members.
- B. Taskforce members present at a duly called and held meeting at which a quorum is initially present may not continue to do business after the loss of a quorum.

### Section 5.5. 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**

### Section 6.1. General

- A. The officers of the Taskforce shall be a chairperson, vice chairperson, and secretary. The Taskforce may appoint other officers and assistant officers as may be deemed necessary and may prescribe their duties and responsibilities.

### Section 6.2. Election and Term of Office

- A. 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 for a one-year term by majority vote of the voting members. An officer shall hold office until a successor shall have been duly elected and qualified, or until resignation, or death.
- C. The Taskforce may re-elect an officer for another term but no officer shall serve for more than two (2) consecutive one (1) year terms.

### Section 6.3. Qualifications

- A. A Taskforce member must be a voting member to qualify for election as an officer and must continue to qualify at all times while in office.
- B. When a member ceases to qualify as an officer for any reason, such member shall be ineligible and that office shall be deemed to be vacant.

## **ARTICLE VII - DUTIES OF OFFICERS**

### Section 7.1. 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 Taskforce chairperson casts a vote only in the event of a tie.
- D. The chairperson shall perform other duties as determined or designated by the Taskforce.

### Section 7.2. 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 7.3. 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 8.1. Standing Committees

- A. Three (3) committees are authorized by these Bylaws: (a) Executive Committee; and (b) Nominations Committee and (c) Strategic Planning Committee. The Taskforce may at its discretion establish such other committees annually as are deemed necessary to serve the mission and accomplish the work plans of the Taskforce.
- B. Committee members shall be appointed annually by the chairperson at the meeting following the Annual Meeting. In appointing committee members, efforts will be made to reflect the diversity of the Taskforce membership categories.
- C. The chairperson of each committee shall be elected by majority vote of the committee members.

### Section 8.2. Executive Committee

- A. The Executive Committee shall regularly consist of: the chairperson, the vice chairperson, the secretary, the chairpersons of the Nominations and Strategic Planning Committee, and the chairpersons of any other committees established pursuant to Section 8.1.A. The immediate past chairperson shall serve as a non-voting member for one (1) year following service as Taskforce chairperson.
- B. The Executive Committee shall exercise all powers and duties of the Taskforce between meetings. All proceedings of the Executive Committee shall be subject to revision or alteration by a majority vote of the Taskforce. All acts of the Executive Committee deemed pursuant to emergency situations shall be promptly brought to the full Taskforce for review and ratification.
- C. 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.
- D. The Executive Committee shall annually review *Conflict of Interest Disclosure Statements*, and make recommendations to the full Taskforce on Conflict of Interest issues. Whenever a new member is appointed to the Taskforce, the Executive Committee shall review the *Conflict of Interest Disclosure Statement*.
- E. The Executive Committee shall perform other duties, as determined or designated by the Taskforce.

### Section 8.3. Nominations Committee

- A. The Nominations Committee shall consist of no less than five (5) Taskforce members.
- B. The Nominations Committee shall recruit officers and bring forward a slate of qualified members for the offices of chairperson, vice-chairperson, and secretary for consideration by the entire Taskforce.

### Section 8.4. Strategic Planning Committee

- A. The Strategic Planning Committee shall consist of no less than five (5) members.
- B. The Strategic Planning Committee shall conduct an annual review and assessment of the Taskforce's short term priorities.
- C. Report to the Taskforce on annual accomplishments in reaching its short and long term goals.
- D. Develop proposals for multi-year goals and activities for the Taskforce.

### Section 8.5. Ad Hoc Workgroups

- A. The chairperson or the Taskforce shall establish ad hoc workgroups to carry out any necessary Taskforce business or activities that are not expressly provided for in these Bylaws or assigned to Committees established under Section 8.1.A.

## 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 shall 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*. The member shall execute the *Conflict of Interest Disclosure Statement* at their first Taskforce meeting. The *Conflict of Interest Disclosure Statement* shall be updated at the Annual Meeting. (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

These Bylaws may be altered, amended, or repealed, by a two-thirds (2/3) affirmative vote of Taskforce members. Notice of the meeting setting forth the proposed amendment or a summary of the changes shall be given to each Taskforce member, at least fourteen (14) days prior to the meeting. An ad hoc Bylaws Committee may be appointed for the consideration and development of amendments proposed by Taskforce members. The Taskforce will review the proposed amendments in two (2) readings prior to voting. If a Bylaws Committee is appointed and makes a presentation at a Taskforce meeting, this shall service as notice, in lieu of a written notice, and shall be considered the first reading of the proposed amendment(s).

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First reading: July 2, 2012 (terms); November 9, 2012 (standing committees)

Second reading: September 14, 2012 (terms); January 11, 2013 (standing committees)

These Bylaws accepted and adopted by majority vote of the Iowa *Olmstead* Consumer Taskforce on November 9, 2012 (terms); March 8, 2013 (standing committees).

- Adopted by the *Olmstead Consumer Taskforce* on April 18, 2008.
- Revised by the *Olmstead Consumer Taskforce* on March 8, 2013.

**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:

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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).