



# COUNCIL BYLAWS

## PROPOSED UPDATES FOR 2023

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Staff Suggested Updates to Bylaws  
Brian Weisel – Legal Counsel

# Bylaws Update 2023

## Reasons for Updates

- Pandemic-related changes
- Evolution of committee responsibilities
- Accessibility/Inclusivity
- Update to reflect current practices
- Last reviewed in 2018

# Major Changes

## Removal – page 7

### SECTION 5. Removal

- (a) A member of the Council shall not be removed, except for specific, compelling reasons.
- (b) The Executive Committee of the Council may recommend removal of a member of the Council during a regular or special meeting. The written charge shall be provided to the member in question no later than 10 days before any action is taken.
- (c) Action to remove a member of the Council shall be conducted in accordance with Government Code Section 11120, et. seq.
- (d) Should the Executive Committee find cause to remove the member, the recommendation shall be taken to the Council during a regular or special meeting for discussion and, if necessary, action by the full Council.
- (e) A majority vote, during a regular or special Council meeting, shall be required to remove a member.
- (f) Within 15 days of the Executive Committee's finding that a member should be removed, the Executive Director shall notify the Governor.

# Major Changes

## Updated Meeting Procedure – pg. 9

(d)

All Council meetings will provide an opportunity for members of the public to address the Council before the Council discusses or considers each item on the meeting agenda. ~~Individuals who wish to provide public comments may do so in person or virtually, depending on how the meeting is held, or in writing.~~ The Chair may limit comment to three minutes ~~Up to three minutes will be allotted~~ for each individual who wishes to engage in public comment, or for more or less time as determined and announced by the Chair prior to the beginning of public comment. ~~The time allotted for public comment may be shortened by the Council due to time constraints. Public comment will not be made available if the agenda item is one that will be considered in closed session.~~

(e) The Council recognizes the value of meetings held in person, and also recognizes that virtual meetings allow for greater engagement for members in some instances. The Council reaffirms that whether a meeting is held in person or virtually, the meeting should be held entirely in person, or virtually. Hybrid meetings with some members in person and others attending virtually diminish full engagement and therefore should be discouraged.

# Major Changes

## Chair and VC – pg. 10

### **SECTION 2. Election of Member Officers:**

Election of officers shall occur once every two (2) years. The election shall be held during the last meeting of the appropriate calendar year. Only self and family advocate members shall be eligible to hold office pursuant to Welfare and Institutions Code Section 4521(b)(1). The roles of Chair and Vice Chair shall be held by one a self-advocates and/or a one family advocates, in either combination with each a family advocate and self advocate in either officer role, but not both, as as elected by the Council. At least one of Chair or Vice Chair must be held by a self-advocate. An Officer shall not be elected if there is less than one year remaining in their second term and/or they still sit on the Council pursuant to Welfare and Institutions Code Section 4521(e).

# Major Changes

## Chair and VC – pg. 10-11

### SECTION 3. Voting Procedure:

Council officers shall be elected by a simple majority vote. At the second to last meeting of the second year of the two-year Chairperson cycle, the Council will take nominations from all members for Officers for the next chairperson cycle. ~~Recommendations for officers shall be in the form of nominations from the Nominating Committee. Nominations may also be received from the floor prior to the election, but subsequent to the report of the Nominating Committee. If no nominee is elected by a majority vote,~~

At the last meeting of the two year-Chairperson cycle, the Council will vote for Council Officers from among the members nominated at the prior meeting. The Vote for Chairperson will be first, followed by the vote for Vice-chairperson. The Council will hold a run-off election between the

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nominees who received the two (2) highest number of votes. The Council may waive this run-off requirement with a majority vote to waive.

# Major Changes

## Chair and VC – pg. 12

### SECTION 6. Duties of the Officers:

- (a) Chairperson - The responsibilities of the Chairperson are:- to preside at all meetings of the Council; set the agenda for Council meetings, to appoint chairpersons and members to all Council committees, as specified in these bylaws, ~~except the Nominating Committee~~, to appoint Council representatives in relation to other agencies and consumer groups; and to represent the Council as needed. The Chairperson shall have full voting rights on all Council actions. The Chairperson shall not serve as the chair of any of the Committees established by the Council as described in Article IX. Under extenuating circumstances, if in the opinion of the Chair it is in the best interest of the Council, the Chair may temporarily appoint either the Chair or Vice-Chair to chair no more than one committee as necessary until the conclusion of the extenuating circumstance.
- (b) Vice-Chairperson - The responsibilities of the Vice-Chairperson are to perform all the duties of the Chairperson if the Chairperson is absent or ~~if the~~upon request of the Chairperson ~~requests the Vice-Chairperson to do so~~. When acting in the capacity of the Chairperson, the Vice-Chairperson has the same authority as the Chairperson. The Vice-Chairperson also serves as Chair of the Executive Committee and as Parliamentarian. The Vice-Chairperson may serve as the Chair of the Executive Committee, but shall not serve as the chair of any of the other Committees established by the Council as described in Article IX, except for as described in section 6, subdivision (a), above.



# Major Changes

## Executive Director – pg. 13-14

### SECTION 2. Responsibilities and Duties:

- (a) The Executive Director shall be the chief administrative officer of the Council and shall have all the authority and responsibility assigned to the director of a state agency including budget, personnel, and contractual transactions. The Executive Director represents Council positions and interests to other agencies, stakeholders, and the public on all Council matters. These duties and responsibilities include authority for entering into and execution of agreements on behalf of the Council in order to implement the policies of the Council. The Executive Director shall hire, supervise, and annually evaluate the staff of the Council.
- (d) The Executive Director shall serve as clerk to the Council. The clerk shall aid the Council in conducting orderly and productive Council meetings.
- (c) A majority vote, during a regular or special Council meeting, shall be required to remove the Executive Director from ~~their~~his or her exempt appointment. ~~The Executive Director shall not be removed except for good cause. The reasons for the removal shall be stated in writing and include the good cause basis for the removal.~~removal.



# Bylaws Update 2023

## Technical changes

- Bylaws reflect 2022 State Plan
- Committee Descriptions updated to Mission (pg. 14-24)
- Clarified Records Disclosure Policies (pg. 25-26)
- Updated citations, formatting, pronouns, accessibility



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Staff Recommendation:

Approve Updated Bylaws with Proposed Changes