

## **NORTH DAKOTA BRAIN INJURY ADVISORY COUNCIL BYLAWS**

The Mission of the North Dakota Brain Injury Advisory Council (“Council”) is to improve the quality of life for all individuals with brain injury and their families through brain injury identification, awareness, prevention, research, education, collaboration, support services and advocacy.

### **I. Membership**

- A. The membership of the Council shall consist of the following membership designations:
1. The governor shall appoint at least five, but no more than nine, members to serve on the brain injury advisory council as follows:
    - a. One brain injury survivor, nominated by the council;
    - b. One family member of a brain injury survivor, nominated by the council;
    - c. At least one service provider who provides services to brain injury survivors, nominated by the council;
    - d. An individual representing the Indian affairs commission, nominated by the Indian affairs commission; and
    - e. At least one individual representing a religious, charitable, fraternal, civic, educational, legal, veteran, welfare, or professional group or organization.
  2. The speaker of the House of Representatives shall appoint one member of the House of Representatives and the president pro tempore of the Senate shall appoint one member of the Senate to serve as members of the council. Each legislative member of the council is entitled to receive compensation from the legislative council for each day spent in meetings of the council and for reimbursement for related travel and other necessary expenses in the amounts provided by law for other state officers.
  3. Each of the following entities shall appoint a representative to serve as a nonvoting member of the council who serves at the pleasure of the appointing entity:
    - a. Protection and advocacy project, one representative;
    - b. State department of health, one individual representing injury prevention and one representative representing emergency medical services and trauma;
    - c. Department of human services, one individual representing behavioral health, one individual representing Medicaid, and one individual representing vocational rehabilitation; and
    - d. Department of public instruction, one representative.
  4. The governor may appoint an individual representing stroke health to serve as a nonvoting member of the council who serves at the pleasure of the governor.
- B. A voting advisory council member appointed by the governor may not serve more than two consecutive four-year terms on the council.
- C. A Council member appointed under subdivision a or b of subsection 1 is entitled to receive from the department reimbursement for expenses as provided by law for state officers

and per diem compensation as determined by the department of human services if the member is attending meetings or performing duties directed by the council

- D. Any person desiring to resign from the Council shall notify the Council Chair in writing. The resignation letter shall indicate the date the resignation becomes effective.
- E. All members shall attend at least half of the meetings in any calendar year. Any member that has not attended half the meetings of the previous calendar year will be deemed resigned and a notification of termination will be sent by the Secretary of the Council.
- F. Any member of the Council wishing to represent the Council before a legislative authority or before any public forum (including hearings, meetings, media interviews, etc.) shall provide a copy of the proposed information to the Council Chair and seek written approval from the Chair before presenting any information.

## **II. Removal of Council Members**

Any Council Member may be recalled or terminated for cause in accordance with these procedures.

- A. A petition stating the case for recall, suspension, or termination and signed by at least a quorum of Council members shall be submitted to the Council at a regular or special meeting.
- B. During such a meeting, a hearing shall be set to take place during the next regular or special general meeting.
- C. The Council member charged in the petition must be notified of the hearing and provided with a copy of the petition at least one week in advance of the hearing. At the hearing the Council member shall be entitled to answer the charges and make his/her own statement.
- D. At least a quorum of Council members must be present during the hearing. A majority vote of those present is necessary for recall, suspension or termination of a member of the Council.
- E. Appropriate subsequent action shall be taken by the Council

## **III. Officers**

- A. The Council shall elect a Chairman and Vice Chairman from the voting membership of the Council and shall elect a Secretary from the voting or nonvoting membership of the Council.
- B. The Chair shall be the principal executive officer of the Council. The Chair shall preside at all meetings. The Chair may sign all instruments as may be authorized by the Council. The Chair shall perform all other duties incident to the office of Chair as prescribed by the Council.
- C. In the absence of the Chair, or in the event of the Chair's inability to serve, the Vice-Chair shall be empowered to perform duties of the Chair. The Vice-Chair shall perform all other duties incident to the office of Vice-Chair as prescribed by the Council.

- D. In the event the Vice-Chair permanently assumes the Chair position, the Council shall elect a Vice-Chair at the following regular Council meeting.
- E. The Chair, Vice-Chair, and Secretary shall serve for two (2) years or until their successors are elected, and their term of office shall begin at the close of the meeting at which they are elected.
- F. No member shall concurrently hold more than one office, or serve more than three consecutive terms in the same office.
- G. Administrative duties shall include maintenance of the minutes, record of attendance along with any additional communication directed by the council.

#### **IV. Meetings**

- A. The Council shall hold regular meetings at least four (4) times per year. Additional meetings can be held at the call of the Chair. Members shall be notified of meeting dates at least thirty (30) calendar days in advance. When possible, members shall be notified of special meeting dates at least thirty (30) days in advance.
- B. Meetings may be held and attended in person or by teleconference.
- C. A quorum shall consist of the majority of the voting members of the Council, exempting any who has submitted their resignation to the Chair.
- D. Members shall give prior notice to the Secretary when they will not be attending a meeting of the Council.
- E. All members of the Council are encouraged to participate in discussion before the Council. If a specific council member will directly derive income that individual shall abstain from voting on that item.
- F. Proxy voting shall not be permitted. Members must attend the meeting in person or via telephone in order to vote.
- G. The Chair abstains from voting except in the circumstances of a tie vote.
- H. A contractor/vendor from DHS Behavioral Health Division will be responsible for the minutes of the Council meetings.
- I. All meetings of the Council shall be open to the public.

#### **V. Committees**

- A. The Chair shall be empowered to appoint such standing and temporary committees or task forces as may be necessary to carry out the duties and to facilitate the operation of the Council.
- B. The Chair shall be empowered to appoint a Committee chair of each standing or temporary committee or task force created to carry out the duties and to facilitate the operation of the Council.

- C. The contractor/vendor from DHS Behavioral Health Division shall provide administrative support to all appointed committees and task forces.
- D. An executive committee consisting of the Chair, Vice-Chair, Secretary and the Past-Chair shall be empowered to act on Council emergency business.

#### **VI. Parliamentary Authority**

- A. The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall guide the Council in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Council may adopt.

#### **VII. Bylaws and Standing Rules**

- A. Bylaws of the Council shall become operative upon their ratification by a simple majority vote at that meeting at which they are considered.
- B. Proposed amendments to Council Bylaws shall be distributed to membership of the Council at least thirty days prior to the meeting at which they are to be voted upon.
- C. Any Bylaw of the Council may be suspended at any meeting by a simple majority vote at that meeting at which they are considered.