

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
STATEWIDE INDEPENDENT LIVING COUNCIL
BY-LAWS**

ARTICLE I - NAME OF ORGANIZATION

The name of this Organization shall be the CNMI Statewide Independent Living Council (hereinafter referred to as "Council").

ARTICLE II - PRINCIPAL OFFICE & MAILING ADDRESS

The principal office of the Council shall be in Building N-4, located on Navy Hill and mailing address P.O. Box 501521, Saipan, MP 96950.

ARTICLE III - DURATION

The duration of the Council is perpetual or until dissolved by the Governor or when funds are no longer available for its operation.

ARTICLE IV- MISSION & DUTIES

Section 1. Mission:

The mission of the Council is to serve individuals with significant disabilities in the CNMI and, to promote independence, productivity, integration, and inclusion of such individuals into society. The Council supports the independent living philosophy of consumer control, peer support, self-help, self-determination, equal access, and advocacy.

Section 2. Duties:

The duties of the Council shall be to carry out the purposes of Title VII of the Rehabilitation Act of 1973, as amended (hereinafter referred to as "The Act"). These duties include, but are not limited to:

- jointly develop and sign the State Plan for Independent Living with the Office of Vocational Rehabilitation (Designated State Agency/Unit) for submission to the U.S. Department of Education, OSERS-RSA.

- Monitor, review, revise, and evaluate the implementation of the State Plan for Independent Living.
- Coordinate activities with the State Rehabilitation Council, established under Section 105 of The Act, and other State councils that address the needs of specific disability populations and issues under other federal and local laws.
- Ensure that all regular and special meetings of the Council are held in accessible facilities, open to the public, and that sufficient notice is provided.
- Submit to the RSA Commissioner, U.S. Department of Education, such periodic reports as the Commissioner may reasonably request, and keep such records, and afford access to records as the Commissioner finds necessary to verify such reports.
- Hold necessary public hearings and forums to carry out the duties of the Council.

ARTICLE V – MEMBERSHIP

Section 1. Appointment:

The Governor, in accordance with Section 705(b) (1) of The Act, shall appoint members of the Council. The Governor shall select members after soliciting recommendations from a broad range of representatives of organizations representing a broad range of individuals with disabilities and organizations interested in the needs of individuals with disabilities.

Section 2. Qualifications:

The membership shall be maintained with fifty-one percent (51%) or more of the members being primary and/or secondary consumers. A primary consumer is an individual with a physical or mental impairment, which substantially limits one or more of his/her major life activities (section 7(20) (B)) of The Act. A secondary consumer is a parent(s) or guardian(s) of individuals with disabilities.

Section 3. Composition & Membership:

The Council shall consist of at least nine (9) members and shall be composed of a majority of whom are persons with disabilities (as defined in §7(20)(B) of The Act).

The composition of the Council shall include:

- at least one ex-officio, non-voting member, from the designated state unit, the State Vocational Rehabilitation Office.
- at least one director of a Center for Independent Living (CIL), chosen by the directors of Centers within the CNMI.
- at least one Director from a Section 121 project (if ever established in the CNMI).
- representatives from other State agencies that provide services for individuals with disabilities, who shall serve as non-voting, ex-officio members.

The Council may include additional members as follow:

- Parents and guardians of individuals with disabilities (secondary consumer).
- Advocates of and for individuals with disabilities.
- Representatives from private business.
- Representatives from organizations that provide services for individuals with disabilities.
- And other qualified individuals (representing the following segments of the population: Rota, Tinian, and the Carolinian Community-as stated in 1 CMC § 2901(g)).

Section 4. Terms of Appointment:

Except for a member appointed to fulfill a vacancy occurring from an unexpired term, whereupon such appointment should be for the remainder of that term, each member of the Council shall serve for a term of three (3) years. No member of the Council may serve more than two (2) consecutive full terms except for the current CIL Director unless another CIL is open in the CNMI. A member who completes two full consecutive terms maybe reappointed to the SILC after a meaningful break in service when a new vacancy for which that member is eligible becomes available.

Section 5. Vacancies:

A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term by the Governor.

Section 6. Removal:

The Council will recommend removal to the Governor of any Council member appointed by the governor, who is absent without show of good cause for three (3) consecutive quarterly meetings.

Section 7. Conflict of Interest:

No member of the Council shall cast a vote on any matter that would create or give the appearance of conflict of interest under Federal and CNMI statutes.

Section 8. Management:

The Council's officers shall be vested with the power and responsibility for the management and administration of the Council.

ARTICLE VI – OFFICERS

Section 1. Officers:

The Officers of the Council shall consist of a Chairperson, a Vice-Chairperson, a Secretary, and a Fiscal Officer, a Sergeant at Arms, and a representative of the Office of Vocational Rehabilitation as an ex-officio member. These Officers shall constitute the Executive Committee.

Officers of the Council shall be elected among the voting membership of the Council. All officers shall hold office for a term of two (2) years or until their successors are elected. No officer shall serve more than three (3) consecutive terms in the same office.

Section 2. Qualifications:

Officers of the Council shall be primary and/or secondary consumers and must be voting members.

Section 3. Election:

The election of officers shall be held, for those who have served their two years, in the last quarter meeting of the Fiscal Year. The newly elected officers shall take office at the first quarter meeting of the new Fiscal Year.

Section 4. Removal:

An officer may be removed when, in the opinion of majority of the Council, a quorum being present, the best interest of the Council would be served.

Section 5. Vacancies:

A vacancy in office for whatever reason shall be filled by the Council, a quorum present, for the unexpired portion of the term.

Section 6. Powers and Duties:

The principal powers and duties of the officers are as follows:

(a) Chairperson shall:

- Develop the agenda for regular and special meetings, in consultation with the Executive Committee.
- Call and preside at all meetings of the Council.
- Have general supervision over the affairs of the Council.
- Perform such other duties as may be assigned by action of the Council, the appointing authority, or as may be necessary.
- Not vote, except in the event of a tie vote among the other voting members present.
- Appoint a member who is not an officer to serve as Council Sergeant at Arms.

(b) Vice-Chairperson shall:

- Perform the duties of the Chairperson in his/her absence.
- Undertake other duties in the absence of the Chairperson.
- Assist the chairperson in meeting and planning efforts of the Council.

(c) Secretary shall:

- Record the proceedings of the Council.
- Systematically see that records are correct, complete and are kept.
- Monitor attendance of members and report to the Council the names of members who have missed three (3) consecutive quarterly meetings without being excused.

- Perform other duties as assigned by the officers or the Council.

(d) Fiscal Officer shall:

- Oversee fiscal management and reporting of funds distributed to and by the Council.
- Report current fiscal status of the Council and of Title VII, Part B funds at regularly scheduled or special meetings of the Council.
- Work with the assigned staff from the Office of Vocational Rehabilitation to develop an annual budget, including amendments, to implement the activities in the approved State Plan for Independent Living.
- Develop the Council's operational budget.
- Facilitate development of new independent living centers within the CNMI.

(e) The Sergeant at Arms shall:

- Assist the Chairperson and members in following proper meeting procedure.

ARTICLE VII – MEETINGS

Section 1. Regular Meetings:

Regular Council membership meetings shall be held at least four times a year with 2 meetings to be held on the island of Saipan, with 1 meeting each to be held on Rota and Tinian, if feasible. The purpose of the rotational meetings is to provide participation and access to Council's meetings for individuals with disabilities residing on these islands.

Section 2. Special Meetings:

Special meetings may be called at any time, for any purpose by the Chairperson or the designee or by majority of the members of the Council. All members shall be notified at least 24 hours in advance of the scheduled meeting and, all members shall receive a printed copy of the agenda (personally delivered, fax, or e-mail), or have the agenda read to them over the phone prior to the meeting.

Section 3. Notice of Meetings:

The Council shall give notice of any regular, special, or rescheduled meeting. The notice shall include an agenda that lists all the items to be considered in the scheduled meeting, including the date, time, and place of the meeting. Where possible, such notice shall appear in at least one newspaper of general circulation in the CNMI. The public notice shall be made before the scheduled meeting, at least 72 hours for regular meeting and, at least 24 hours for special meeting. The agenda may be amended to add additional items provided such action is approved by a majority vote of the Council membership.

All meetings of the Council, except as otherwise noted, shall be open to the public. The Council may declare a closed, executive session to discuss topics related to personnel or legal issues. Formal action taken in closed executive session shall be made in open meetings.

Members shall be notified, by the Chairperson, about regular membership meetings no less than three (3) working days prior to the meeting. This notification shall include, but not be limited to the following: date, time, place, and agenda. Such notice is not required for special meetings or meetings of the Executive and other Committees as covered in Section 2, above.

Section 4. Place of Meetings:

Meetings of the Council shall be held at any location as may be designated provided that the facility is accessible for individuals with disabilities in accordance with Americans with Disabilities Act Accessibility Guideline (ADAAG).

Section 5. Quorum and Procedure:

A quorum for regular and special meetings shall consist of a simple majority of the Council. In the event a quorum is not present, then the meeting shall not take place.

Section 6. Proxy:

A member who is unable to attend a meeting can designate a voting or non-voting proxy. The proxy will constitute the presence of the regular Council member being counted for the purpose of a quorum. Members shall be counted present if attendance is achieved via teleconferencing, with a letter written or facsimile message confirming their votes. A member may use these proxy privileges not more than twice per federal fiscal year.

Section 7. Council's Decisions and Rules:

Action by a quorum of Council members shall constitute an act of the Council. Robert's Rules of Order shall be used as a guide in the conduct of meetings.

ARTICLE VIII – COMMITTEES

The Council may create and dissolve by resolution, Special, Standing, and Ad Hoc committees to accomplish Council projects in an efficient and timely manner.

ARTICLE IX - COMPENSATION AND EXPENSES

A Council member shall not receive a salary for their services during general membership meetings. However, if a member must forfeit wages from employment or is not employed, then for each day the member is engaged in performing the duties of the Council he/she may request a meeting allowance if quorum is established in accordance with 1 CMC & 8241 et seq. Council members may be reimbursed for reasonable and necessary expenses (including childcare and personal assistance services) of attending Council meetings and performing Council duties. Reimbursement shall be based upon actual expenses incurred, or in the case of transportation expenses, shall be in accordance with established CNMI government travel policies.

The rate of compensation for meetings attended for members of the Council shall be no more than \$60 for a full -day meeting (four (4) hours or more) and no more than \$30 for a half-day or less meeting (not less than two (2) hours or more than four (4) hours); provided further that compensation for meetings shall be limited to those meetings open to the public as required by 1 CMC Section 9904 and for which notice has been published in accordance with 1 CMC Section 9910. A member who is employed by the Commonwealth government shall receive his/her regular salary under administrative leave status in lieu of compensation for meetings held during working hours.

A member shall not be compensated for attendance at a meeting unless a quorum has been established and the minutes of that meeting has been transcribed and adopted.

A member shall not be compensated for attendance at standing committee meetings, subcommittee meetings, ad hoc and informal meetings.

ARTICLE X - ADMINISTRATION

Section 1. Contracts:

The Council may enter any contract or execute and deliver any instrument in the name of the Council and on its behalf upon review and approval of contracts by OVR expenditure authority.

Section 2. Signature of the Chairperson and Director of the Office of Vocational Rehabilitation:

All fiscal obligation documents and/or requests for payment to be incurred against the Council's account(s) shall be approved and signed by the Chairperson of the Council and the Fiscal Officer, unless otherwise provided by resolution of the Council. Where any legal or fiscal document for the Council involves federal funding received under The Act as amended, the signature of the Director of Vocational Rehabilitation is required as the primary signatory.

ARTICLE XI – FINANCES

Section 1. Federal Grants:

Any funds received from the federal government in the form of federal grants, shall be administered in accordance with the grant conditions established by the grantor agency and, in compliance with CNMI laws and administrative policies/regulations.

ARTICLE XII – RECORDS

Section 1. Financial Records:

The Council shall monitor receipts and expenditures of funds with the assistance of designated OVR staff or it may contract with an appropriate person or entity to keep accurate financial records.

All such records shall be available for public examination and for auditing purposes. The Council may request the Office of the Public Auditor to conduct a fiscal audit of the Council's financial records.

Section 2. Records of Proceedings:

The Council Secretary or designee shall record the proceedings of all meetings and prepare written summary minutes of the Council. These documents shall be available to the public and, shall be maintained for not less than 3 years before disposal.

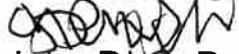
ARTICLE XIII - AMENDMENT OF BY-LAWS

The By-Laws may be amended, repealed, or altered, in whole or in part, by the majority vote of the Council, a quorum being present.

Any alteration of the By-Laws must be consistent with:

- appropriate provisions of Title VII of The Act.
- policies and procedures established by the Federal grantor agencies, which fund the Council; and
- CNMI administrative policies, regulations and laws.

Acknowledged by:


John DLG. Demapan

Chairperson, SILC

9-1-20

Date


Consolacion C. Atalig

Vice-Chairperson, SILC

9-01-20

Date


Estanislao Benavente

Fiscal Officer, SILC

9/1/2020

Date


Antonelli Rosario

Secretary, SILC

09.09.20