

**Bylaws for the
West Virginia Olmstead Council**

Adopted by the Council on March 15, 2007
Amended by the Council on January 12, 2010
Amended by the Council on July 16, 2013
Amended by the Council on July 7, 2015
Amended by the Council on May 6, 2021
Amended by the Council on November 18, 2022

Article I. Name and Purpose

Section 1. Name

The name of this organization shall be the West Virginia Olmstead Council, hereinafter referred to as “the Council.”

Section 2. Vision and Mission

The vision of the Council is for all West Virginians with disabilities to live, learn, work, and participate in the most integrated setting in the community of their choice.

The mission of the Council is to develop and monitor the implementation of a plan to promote equal opportunities for people with disabilities to live, learn, work, and participate in the most integrated setting in the community of their choice through West Virginia’s compliance with *Title II of the Americans with Disabilities Act*.

Section 3: Guiding Principles

1. People with disabilities, regardless of the severity of the disability, can be supported to live in the community and setting of their choice, be included in regular classrooms for their education, and be employed in competitive integrated jobs.
2. People with disabilities must have choice and control over where and with whom they live.
3. People with disabilities must have opportunities to live integrated lives in communities with their neighbors, and not be subjected to rules or requirements that are different from those without disabilities. Integration does not just mean physical presence in a neighborhood, but valued, productive and meaningful participation in the life of the community.
4. People with disabilities must have access to information, education and experiences that foster their ability to make informed choices, while respecting dignity of risk.
5. People with disabilities must have access to modified curricula, instruction, and assignments when needed and be fully included to their needs in public education.
6. People with disabilities must have opportunities to develop valued social roles and have meaningful personal relationships.
7. People with disabilities must have meaningful supports and opportunities to become productive and to gain competitive integrated employment.
8. “To avoid unnecessary institutionalization, government must ensure the disability service system offers sufficient community-based services and support criminal justice entities to

coordinate with, and divert to, community-based services.” (Department of Justice, 2017, *Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the Americans with Disabilities Act*, p. 6)

Section 4: Purpose of the Council

The purpose of the Council shall be to carry out its responsibilities specified in the *West Virginia Olmstead Plan: Building Inclusive Communities* (“the Plan”) as approved through Executive Order 11-05 on October 12, 2005. This includes any updates and revisions to the Plan as authorized by Executive Order 11-05.

Section 5: Specific Responsibilities of the Olmstead Council

The specific responsibilities, as outlined in the Plan are to:

- a. Advise the Olmstead Coordinator on actions needed to fulfill the position’s responsibilities identified in the Plan and the duties of the Olmstead Office;
- b. Review the activities and performance of the Olmstead Coordinator;
- c. Provide recommendations for the long-term care institutional and community-based supports systems;
- d. Issue position papers for the identification and resolution of systemic issues; and
- e. Monitor, revise and update the Plan and any subsequent work plans.

Article II. Membership

Section 1. Number and composition of the Council

The membership of the Council shall be comprised of no more than forty (40) persons from the following groups: ten (10) people with disabilities and/or immediate family members; twelve (12) advocacy or disability organization representatives; nine (9) providers of home and community-based services and/or supports; and nine (9) state agency representatives.

Section 2. Membership Positions

The following defines the type of membership positions:

Members with disabilities and/or immediate family members of a person with a disability: The majority of the ten (10) members in this category must have a disability as defined by the *Americans with Disabilities Act* and have direct experience with home and community-based and/or institutional supports and service systems.

- a. **Advocacy and disability organizations:** These positions are assigned to specific agencies or organizations not to individual people. Organizations must select a designated representative to the Council. The following details these positions:
 1. Center for Independent Living;
 2. AARP WV
 3. Fair Shake Network;
 4. Legal Aid of West Virginia Behavioral Health Advocacy Project;
 5. Legal Aid of West Virginia Long Term Care Ombudsman Project;
 6. People First of West Virginia;
 7. Disability Rights of West Virginia;
 8. West Virginia Behavioral Health Planning Council;
 9. West Virginia Developmental Disabilities Council;

10. West Virginia Statewide Independent Living Council;
 11. At-large Advocacy and/or Disability Organization; and
 12. At-large Advocacy and/or Disability Organization
- b. **Providers and/or knowledgeable representation of home and community services and supports:**
1. Aged and Disabled Waiver;
 2. Aging and Disability Resource Center;
 3. Employment;
 4. Behavioral Health;
 5. Home Health;
 6. I/DD Waiver
 7. Traumatic Brain Injury Waiver;
 8. Housing; and
 9. West Virginia University Center for Excellence in Disabilities
- c. **State Agencies:** The relevant state agency commissioner or director shall appoint a representative with the ability to communicate information about the organization's activities.
1. Bureau for Behavioral Health;
 2. Bureau for Social Services;
 3. Bureau for Medical Services;
 4. Bureau of Senior Services;
 5. Division of Rehabilitation Services;
 6. Money Follows the Person Program;
 7. State ADA Coordinator;
 8. Department of Education; and
 9. Office of Health Facility Licensure and Certification

Section 3: Resignations or Vacancies

Members are expected to attend all meetings and to notify the Olmstead office if unable to attend. Absences of 2 or more in a 12-month period may result in the Council chairperson contacting the member to determine if the member can manage better attendance or if he/she wishes to remain a member. The Council may decide to request the member's resignation or initiate termination if a resolution cannot be reached.

Section 4: Reimbursement

Council members with a disability and/or immediate family members may be reimbursed for attendance at Council meetings and other approved Council activities as described in the Policies and Procedures Manual.

Section 5: General Policies and Procedures

All Council members shall adhere to the general policies and procedures adopted by the Council.

Article III. Meetings

Section 1. Regular Meetings

The Council shall meet at least quarterly

Section 2. Special Meetings

Special meetings may be called by the Chairperson, the Executive Committee, the Olmstead Coordinator, or the written request of five (5) members of the Council. The purpose of the meeting shall be stated in the request. Except in cases of an emergency, at least ten (10) days' notice shall be given.

Section 3: Designating a Representative

Any member may designate a representative to attend Council meetings in their absence. Nothing in this section implies that a representative may perform the duties of any Officer, Executive Committee member and Membership Committee member.

Section 4. Voting

Each member of the Council shall have one vote. Proxy votes shall be allowed. Any member may designate a representative to attend Council meetings in their absence and must provide them a written proxy. Proxies must be given in writing, phone call, or other electronic or virtual communication to the Olmstead Coordinator or the Chairperson prior to the meeting.

Section 5. Quorum

A quorum of the Council shall consist of one-third of the current members. A quorum is required for the transaction of any business by the Council. A quorum must include at least one officer and one other member of the Executive Committee. A majority of members with disabilities/family members and/or advocacy/disability organizations must be present.

Section 6: Parliamentary Authority

Meetings of the Council shall be governed by the *Robert's Rules of Order* (latest version) unless otherwise specified by the Council.

Article IV. Officers

Section 1. Officers

Officers of the Council shall consist of a Chairperson and Vice-Chairperson. At least one officer will be a person with a disability or immediate family member. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Council.

Section 2. Election of Officers

The officers shall be elected by ballot at the first meeting of the calendar year from among nominations presented by the Membership Committee and any nominations from the floor, and their term of office shall begin at the next regular meeting unless they are filling a vacancy. Written proxy votes will be accepted.

Section 3. Terms for Officer Positions

Officers shall serve a two-year term. Officer terms shall be limited to two (2) full two-year terms served consecutively. New officers will be elected every two (2) years.

Section 4. Vacancies for Officer Positions

If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall assume the office for the remainder of the term. Vacancies in the office of Vice Chairperson shall be filled by special election.

Section 5. Duties of the Chairperson

The Chairperson will provide leadership to the Council in establishing its overall goals and priorities. In addition, it shall be the duty of the Chairperson to:

- a. Preside over all meetings.
- b. Establish the agenda with the Olmstead Coordinator for all meetings.
- c. Vote in case of a tie, otherwise they are not required to vote on any issue.
- d. Represent the Council on issues related to its purpose and the implementation of the Plan.
- e. Appoint committee chairpersons, except for the chairperson of the Membership Committee, who shall be elected by the members of the Membership Committee.
- f. Serve as an ex-officio member of all committees.
- g. Perform other duties as ordinarily pertaining to this position

Section 6. Duties of the Vice-Chairperson

The Vice-Chairperson shall assume the responsibilities of the Chairperson in his/her absence. If both the Chairperson and the Vice-Chairperson are absent, then the immediate previous past Chairperson shall assume the responsibilities of the Chairperson.

Article V. Executive Committee

Section 1. Membership of the Executive Committee

The Executive Committee shall be a standing committee and shall be comprised of the Chairperson, Vice-Chairperson, the immediate past Chairperson and four (4) other members who are elected by the Council during the election of officers from among nominations presented by the Membership Committee and any nominations from the floor. The Chairperson shall preside over the Executive Committee. The Executive Committee must be representative of the overall Council membership. A majority of the Committee must be made up of people with disabilities/family members and/or advocacy/disability organizations.

Section 2. Responsibility of the Executive Committee

The role of the Executive Committee will be to oversee the work of the Council. The Executive Committee may conduct business of the Council which arises between regular meetings if the business is such that it must be addressed before the next meeting of the entire Council. In such cases, every reasonable attempt should be made to ascertain the will of a majority of the members, either by phone, email, or other electronic or virtual communication.

Section 3. Meetings of the Executive Committee

The Executive Committee shall meet as needed prior to meetings of the Council. These meetings will assist to organize and plan future activities of the Council.

Section 4. Vacancies

When a vacancy occurs, except those occurring during the last quarter, the Council shall elect a replacement during the first regular meeting after the vacancy occurs. Members elected to fill a vacancy shall serve the remainder of the vacant term. Regular and special business of the Council shall be conducted by the remaining Executive Committee members until the vacancies are filled.

Section 5. Terms

Executive Committee members shall serve two (2) year terms. Executive Committee members shall be limited to two (2) full terms served consecutively.

Article VI. Membership Committee

Section 1. Composition of the Membership Committee

The Membership Committee shall be four (4) members elected by the Council at its regular fall meeting to serve a two (2) year term. The Committee shall select a chairperson who will serve in this capacity for the two (2) year term. The Membership Committee must be representative of the overall Council membership.

Section 2. Nominating Council Officers

It shall be the duty of the Membership Committee to nominate candidates for officers which includes nominations and to fill any vacancies that occur. These nominations will be taken to the full Council meeting for a vote.

- a. The Committee will solicit nominations for any vacancies incurred in the course of the year, and to solicit nominations for membership to replace members whose terms are expiring.
- b. Additional nominations from the floor shall be permitted.

Section 3. Nominating Council Members

It shall be the duty of the Membership Committee to nominate candidates for membership and to fill vacant positions. These nominations will be taken to the full Council for a vote.

- a. Regular membership vacancies will be filled at a regular meeting as needed.
- b. The Committee will solicit applications for any vacancies incurred in the course of the year, and to solicit nominations for membership to replace members whose terms are expiring.
- c. Additional nominations from the floor shall be permitted.

Section 4. Nominating Executive Committee Members

It shall be the duty of the Membership Committee to nominate candidates for the Executive Committee and to fill vacant positions. These nominations will be taken to the full Council for a vote.

- a. The committee will solicit nominations for any vacancies incurred in the course of the year, and to solicit nominations for membership to replace members whose terms are expiring.
- b. Additional nominations from the floor shall be permitted.

Article VII. Other Committees

Section 1. Establishing Ad Hoc Committees

The Chairperson shall establish Ad Hoc Committees as deemed necessary by the Council to carry out its responsibilities.

Section 2. Non-Council Member participation on Ad Hoc Committees

Non-Council members may be appointed to committees by the Chairperson.

Section 3. Reporting Responsibilities of Ad Hoc Committees

The Committee chairperson shall report to the full Council at the next regularly scheduled meeting regularly the Committee's work.

Active VIII. Amendments of Bylaws

Section 1. Amendments to the Council Bylaws

These bylaws may be amended at any regular meeting of the Council by a two-thirds vote of the members present and voting. Otherwise, the Executive Committee will address possible amendments on a regular basis and present any amendments to the full Council for a vote. Unless otherwise specified, the approved amendments will go into effect immediately after they are approved by a vote of the Council.

Section 2. Notice of Amendments to the Bylaws

All members shall receive advance notice of the proposed amendment(s) at least thirty (30) prior to the meeting.

Article IX. Olmstead Office

Section 1. Responsibilities of the Olmstead Office

The Council shall be supported by the Olmstead Office or Olmstead Coordinator. The Olmstead Coordinator will have the responsibility to support the Chairperson in the following activities:

- a. Scheduling the date, time, and location of all Council meetings.
- b. Recording and distributing the minutes of all Council meetings.
- c. Provide payment for all necessary and reasonable Council expenditures.
- d. Provide members with educational materials, information and technical assistance related to the Olmstead decision or related Olmstead activities.

Section 2. Voting by the Olmstead Office

The Olmstead Coordinator shall not vote on any matter before the Council. However, Council members may request that the Coordinator provide information regarding issues that are before the body for a vote.