

# **SOUTH CAROLINA DISABILITIES AND SPECIAL NEEDS COMMISSION**

## **BYLAWS**

The Commission expects the South Carolina Department of Disabilities and Special Needs, as the Regulatory agency, to utilize all available federal and state funds, and encourages local leaders to develop additional sources of supplementary support recognizing that:

- a. Resources may not be adequate for all needs and that funding priority must be based on severity of need and vulnerability;
- b. Funding is a resource to individuals to meet identified needs;
- c. Funding accountability will be maintained and enforced.

### ***Article I - OFFICES***

The principal office of the Commission shall be co-located with the Central Office of the State Department of Disabilities and Special Needs which is in Richland County at Columbia, South Carolina.

### ***Article II - OFFICERS***

1. Officers of the Commission shall consist of a Chairman, Vice Chairman, and Secretary. The Chairman shall preside at all meetings. The Vice Chairman shall preside in the absence of the Chairman, and if neither the Chairman nor Vice Chairman is present, the Secretary shall preside.
2. The Secretary or a designee shall record and keep minutes of all meetings for the permanent record; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; be custodian of any and all such records or designate a party to do this; and perform all other duties incident to the office of the Secretary and such duties as from time to time may be assigned by the Commission.
3. No Commission Policy, Department Directive, Procedure or Regulation shall be interpreted to limit Commission members' rights as citizens or limit in any way their authority given by the governor or this Commission.

### ***Article III - ELECTION OF OFFICERS***

1. The Chairman, Vice Chairman, and Secretary shall be elected for terms of one year at a time. Provided, however, that the Chairman may not serve more than three consecutive terms (i.e., three years). If the office of Chairman, Vice Chairman, or Secretary shall become vacant, the remaining members shall elect a successor for the unexpired term at the next regularly scheduled Commission meeting. Election of a member to the unexpired term of Chairman shall not preclude the person so elected from being elected to serve three additional full terms of one year each.
2. Election of offices will be held at the June meeting of the Commission each year, with terms beginning at the conclusion of the June meeting, and ending at the conclusion of

the next June meeting. At the June meeting the Chairman of the Commission shall open the floor to nominations, starting with the Chairman position and proceeding to Vice Chairman and Secretary. Any party nominated shall agree to serve in the office if elected.

3. Voting shall be by written ballot and shall proceed in the order of Chairman to Vice chairman to Secretary. A simple majority vote shall elect officers. The Chairman shall be entitled to vote once on all ballots for all offices.

In the event there is only one nominee for a given office, the Chairman may ask for a motion to elect by acclamation. In the event two or more nominees are presented for the same office, the following procedure shall apply. Voting shall continue and after each ballot the nominee with the fewest number of votes shall be dropped from the ballot for the next vote until there shall be only two candidates. Voting shall then continue until one nominee is elected by majority vote.

The Chairman shall designate two persons, commission members and/or others, who are not nominees for office to count the votes and report the results to the body.

#### ***Article IV - VOTING***

1. A majority of the members shall constitute a quorum for the transaction of business at any meeting of the Commission. Any action of the majority present at a meeting at which a quorum is present shall be an act of the Commission. If less than a majority is present at a meeting, then a majority of those present may adjourn the meeting.
2. A member who is present at a meeting of the Commission at which action on any matter is taken shall be presumed to have assented to the action unless the dissent shall be noted at the time, or unless the member files a written dissent to such action with the person acting as Secretary of the meeting before the adjournment of the meeting. Such right to dissent shall not apply to a member who voted in favor of such action.
3. A simple voice vote will be appropriate to transact business.

#### ***Article V - MEETINGS***

1. The Commission shall normally meet at the Central Office of the Department of Disabilities and Special Needs in Columbia, South Carolina. Meetings may be monthly or at other times and/or locations the Chairman or a majority of the Commission may direct.
2. The Commission may meet in Executive Session in keeping with the reasons and principles set out in the Freedom of Information Act. A vote to enter executive session will be taken in public session. If the vote is favorable the presiding officer shall announce the specific purpose of the executive session as stated in the Freedom of Information Act, S.C. Code An. Section 30-4-70 (1976. As amended). No action shall be taken in the executive session. All actions must take place in a public session.

3. Special meetings of the Commission may be held at any time upon call by the Chairman, or by request of any two members, provided not less than five days' notice of the time and place of said meetings and subject be given by the Chairman. Reasonable notice shall also be given to all Commission members for any regularly scheduled meeting.
4. Any member may waive notice of any meeting, and the attendance of a member at a meeting shall constitute the waiver of notice of such meeting, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.
5. Regularly scheduled and special called meetings will be preceded by proper notice to the public and other interested persons in accordance with the state Freedom of Information Act, Section 30-4-80.
6. Robert's Rules of Order shall be the standard of procedure for the transaction of business at each meeting of the Commission. The Commission shall also comply with the Freedom of Information Act (FOIA) in the conduct of its meetings FOIA supercedes in situations where a conflict may exist with these By-Laws/Robert's Rules of Order.

#### ***Article VI - RECORD OF MEETINGS***

Within a reasonable time, copies of the minutes of each Commission meeting will be sent to each member as an executive record of the meeting for their study and approval or recommendations for correction at the next meeting. The minutes will be official when approved and countersigned by the Commission Secretary at the next Commission meeting for entering the minutes book and countersigned by the Chairman.

#### ***Article VII - COMMITTEES***

1. The Commission may create standing and special committees with such powers and duties as the Commission may determine. The Chair will assign members to committees and SCDDSN will provide staff assistance as needed. Committee recommendations will be presented to the Commission for discussion and action. 800-07-CP: The DSN Commission Committee Procedures, details the procedures for each committee.
2. The Executive Committee of the Whole will include all Commission members and will serve to consider and act on policy budget/finances, appointment and annual evaluation of the State Director, and functional oversight of the Audit Director and other necessary matters.

#### ***Article VIII - ROLE OF THE STATE DIRECTOR***

The State Director of Disabilities and Special Needs may meet with the Commission and act in the capacity of Secretary Ex-Officio. The State Director will not have a vote except in the

instance of being given a vote by the Commission, nor may the State Director make a motion, but the State Director can discuss and make suggestions to the Commission for its information where indicated in its deliberations.

**Article IX - AMENDMENTS**

These Bylaws may be amended at special meetings of the Commission, provided that notice of the proposed amendments be given in writing to all the members of the Commission at least five (5) days before said meeting. An affirmative vote of two-thirds (2/3) of the full Commission (or 5 affirmative votes) is necessary to amend these Bylaws.

**APPROVED AND ADOPTED** by the South Carolina Disabilities and Special Needs Commission this the 20th day of August, 2020.

DocuSigned by:  
*Gary Lemel*  
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Chairman

DocuSigned by:  
*Robin Blackwood*  
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Secretary