

SOUTH CAROLINA MENTAL HEALTH STATE PLANNING COUNCIL

BYLAWS

ARTICLE I. NAME

The name of this organization shall be the South Carolina Mental Health State Planning Council. The South Carolina Mental Health State Planning Council may also be informally referred to as the "Council," the "Planning Council" or the "State Planning Council."

ARTICLE II. PURPOSE

As required under the Public Health Services Act, 42 U.S.C. 300x-3, the purpose of the Council is to:

- a. Review the Community Mental Health Services Block Grant Uniform Application and Behavioral Health Report and make recommendations.
- b. Serve as an advocate for adults with a serious mental illness, children with a severe emotional disturbance, and other individuals with mental illnesses.
- c. Monitor, review, and evaluate – not less than once a year – the allocation and adequacy of mental health services within the state.

ARTICLE III. MEMBERSHIP

Section 1. Qualifications

- a. Council membership composition shall reflect the mental health stakeholder community.
- b. Council members shall include adults with serious mental illness who are receiving or have received mental health services, family members of such adults or families of children with emotional disturbance, public and private community-based providers, advocacy organizations, and state agency representatives from mental health, education, vocational rehabilitation, criminal justice, housing, social services, alcohol and drug, and health and human services Medicaid division.
- c. The ratio of parents of children with a serious emotional disturbance to other members of the Council must be sufficient to provide adequate representation of such children in the deliberations of the Council.
- d. At least fifty-one percent (51%) of the Council shall be comprised of adults with serious mental illness who are receiving or have received mental health services or who are family members of such adults or families of children with emotional disturbance.
- e. The Council, upon recommendation of the Nominating/Membership Committee, shall determine status as a "provider" of mental health services. Such determination shall be made upon recommendation of election by the Council and may be changed upon receipt of new or changed information. In order to facilitate such determination, applicants for and members of the Council shall be required to

- disclose to the Nominating/Membership Committee any work regularly performed for pay as, or for, a provider of mental health services.
- f. Volunteers, advisory, and governing board members shall not be considered as providers solely based on such status.
 - g. Under general ethical principles, members of the Council shall recuse themselves when they have a direct financial stake in the outcome of a Council decision, independent of their status as a provider.

Section 2. Election

- a. Prospective members and returning members shall be elected by a majority vote of current members present and voting. Absentee voting shall not be allowed for membership elections.
- b. Elections shall be held at least once every two years. However, upon approval by a majority vote of current members present and voting, elections may be held out-of-cycle.
- c. Current members may recommend prospective members to the Nominating/Membership Committee. Current members may not nominate themselves and must be nominated by another member.
- d. Current members with expiring terms who wish to continue serving on the Council may submit their interest in writing to the Nominating/Membership Committee to be included in voting according to Article III, Section 2a.
- e. Prospective members must complete the Application for Election to the South Carolina Mental Health State Planning Council and submit said application, and any other supplemental information requested and related thereto, within reason, to the Nominating/Membership Committee.
- f. Upon review and proper vetting of the application of a prospective member by the Nominating/Membership Committee, the names of those prospective members deemed qualified to serve on the Council, along with the respective applications, will be submitted to the State Director of the South Carolina Department of Mental Health for review and recommendation(s). Said recommendation(s) will then be submitted to the Chair of the Nominating/Membership Committee for presentation to the Council on which the Council will then vote according to Article III, Sections 2 and 5.

Section 3. Terms

- a. The terms of the Council members shall be three (3) years and staggered.
- b. A member may serve multiple terms subject to Article III, Sections 2 and 5.
- c. A term is established by and follows the calendar year – January 1 to December 31.

Section 4. Vacancies

- a. Any member appointed to fill a vacancy for an unexpired term, subject to Article III, Section 2, Items d and e, shall serve for the remainder of such term. Upon completion of said unexpired term, said member may be re-elected to the Council for a full-term.

Section 5. Resignation and Removal

- a. A Council member may resign at any time by giving written notice to the Chair, which will take effect upon receipt of the notice.
- b. A Council member may be removed at any time upon a majority vote of those members of the Council present at the meeting during which the vote is scheduled to be taken.
 - a. Causes for removal include one or more of the following:
 - i. Absence from three (3) consecutive Council meetings without a justifiable medical, business, or personal excuse;
 - ii. When the member is no longer a resident of the state; or
 - iii. When a conflict of interest renders an individual unqualified to serve on the Council pursuant to Article III. Section 1.

ARTICLE IV. FISCAL YEAR

The fiscal year of the Council shall be January 1 through December 31 unless amended by a vote of the majority of the Council.

ARTICLE V. MEETINGS

Section 1. Schedule

- a. The Council shall meet at least four (4) times per fiscal year.
- b. The purpose of these meetings shall comport with the duties of the Council as defined by PL 102-321 and Article II above.

Section 2. Quorum

- a. For the purpose of conducting the business of the Council, the members present shall constitute a quorum.
- b. Any member of the Council who has been absent from two consecutive meetings will forfeit their voting privileges. Voting privileges will be reinstated at the next attended meeting.

Section 3. Compensation

- a. The members of the Council shall serve without pay.
- b. The Council may authorize or recommend the timely payment of reasonable and necessary expenses incurred by members in the performance of their duties. Such payment is subject to the availability of Community Mental Health Services Block Grant Funds appropriated for said purposes and the approval of the South Carolina Department of Mental Health.
 - a. Members of the Council whose participation is not being rendered in the course of a job function, or as the result of an affiliation with any organization, are eligible for mileage reimbursement at the maximum mileage reimbursement rate for state employees when a state vehicle is not available as set forth in the Appropriations Act of the General Assembly of the State of South Carolina under the proviso entitled "Travel – Subsistence Expenses & Mileage."
 - i. Members whose participation in Council activities are rendered on a volunteer basis, generally those whose Type of Membership as described in Article III, Section 1 is designated as either "Individuals in Recovery (from Mental Illness and Addictions)" and "Family Members of Individuals in Recovery (from Mental Illness and Addictions)" according to the prevailing definitions by the Substance Abuse and Mental Health Services Administration (SAMHSA) at the time of request for reimbursement qualify for mileage reimbursement.
 - ii. The value per mile for mileage reimbursement shall be calculated according to the prevailing rate utilized by the South Carolina Department of Mental Health at the time at which the request for reimbursement is initially received.

Section 4. Open Meetings

- a. All meetings of the Council shall be open to the public.
- b. A reasonable period shall be set aside at all meetings of the Council for members of the public to address the Council.
- c. Members of the public shall be permitted to propose "new business" for the next meeting of the Council. Subject to veto by the Council, such new business shall be placed on the next Council meeting agenda.

ARTICLE VI. ELECTION OF OFFICERS

The officers of the Council shall be Chair, Vice Chair, and Secretary.

Section 1. Election and Terms

- a. Officers should be elected for a two (2) year term by a majority vote of Council during the last regular meeting of the fiscal year. However, upon approval by a majority vote of current members present and voting, elections may be held out-of-cycle.
- b. Officers shall be elected either upon the expiration of the term of the respective office as defined by Article VI, Section 1, Item a, or upon the resignation of the member of the Council holding said office. A member of the Council filling a vacancy shall serve for the remainder of such term. Upon completion of said unexpired term, said member may be re-elected to the office for a full-term.
- c. Officers shall assume their official duties beginning January 1 or an off-cycle date as prescribed by Article IV.
- d. Only a member of the Council who has served for at least one (1) year shall be eligible to hold office.
- e. Only those persons who have signified their consent to serve, if elected, shall be nominated for, or elected to, such office.
- f. There shall be a two-term consecutive limit with a full-term break for officers to serve in the same office. Members may serve in another officer position immediately following the end of their term.
- g. Absentee voting for officer elections shall be allowable by an anonymous means. No proxy voting shall be allowed.

Section 2. Role of the Nominating/Membership Committee and Council in the Election of Officers for the South Carolina Mental Health State Planning Council

- a. The Nominating/Membership Committee shall solicit from the Council names of eligible members of the Council for specific officer positions.
 1. If a member of the Nominating/Membership Committee accepts a nomination for an officer position, that person must step down from the Nominating/Membership Committee immediately.
- b. The Nominating/Membership Committee shall report the slate of prospective officers to the Council fourteen (14) days prior to the last regular Council meeting of the fiscal year. Nominations for said officer positions may also be accepted from the floor.
 1. If more than one candidate is presented for a specific officer position, then a separate vote must be held for said position. The candidate receiving the majority of the votes of quorum will be awarded the office.
- c. Upon acceptance of the slate of prospective officers by the Council, the slate shall be elected by a majority vote of the quorum, or, if no alternate candidates are proposed, by acclamation.

Section 3. Vacancies

- a. Upon vacancy of an office, the Nominating/Membership Committee shall recommend an eligible member to the Council with a fourteen (14) day notice before the next regular Council meeting.
- b. A vacancy occurring in any office shall be filled for the unexpired term by a qualified member elected by a majority vote of the remaining members of the Council.

ARTICLE VII. DUTIES OF OFFICERS

Section 1. The Chair shall:

- a. Oversee all regular and called meetings of the Council;
- b. Serve as ex-officio member of all committees;
- c. Work in partnership with the Staff Liaison to ensure Council resolutions are carried out;
- d. Appoint, with approval by the Council, all committee members and committee chairs, in consult with the Staff Liaison;
- e. Assist in preparing the agenda for Council meetings;
- f. Assist in conducting new member orientation;
- g. Work with the Nominating/Membership Committee to recruit new Council members;
- h. Act as a spokesperson for the Council;
- i. Periodically consult with members on their roles and help them assess their performance.

Section 2. The Vice Chair shall:

- a. Attend all Council meetings;
- b. Understand the responsibilities of the Chair and be able to perform these duties in the absence of the Chair;
- c. Participate in Council leadership.

Section 3. The Secretary shall:

- a. Attend all Council meetings;
- b. Review meeting minutes;
- c. Assist the Chair with attendance, quorum and action of the Council;
- d. Assume responsibilities of the Chair in the absence, or inability, of both the Chair and Vice Chair.

ARTICLE VIII. COMMITTEES

Section 1. The following committee(s) of the Council is provided for by reference in these Bylaws in Article VI, Section 2.

- a. Executive Committee that consists of the Chair, Vice-Chair, and Secretary and Staff Liaison as ex officio member. Duties will include: call special meetings, discuss urgent matters and bring them to the full Council's attention, set priorities, and align the Council's objectives with its mission and vision. Special Meetings shall be called with two thirds support of the Executive Committee.
- b. The Nominating/Membership Committee

Section 2. Nominating/Membership Committee

- a. At a regular meeting of the Council in the month of January a Nominating/Membership Committee and Chair consisting of an uneven number - not less than three (3) – of members of the Council shall be elected by the Council to serve a one (1) year term.
- b. The role of the Nominating/Membership Committee is designated within the respective Articles of these Bylaws.

Section 3. Ad Hoc Committees

The Chairperson may appoint special or standing committees as may be deemed advisable. Each such committee shall have such powers and authority as shall be specified by the Council. The Chairperson shall appoint members of committees and shall designate the chairperson of each committee.

Section 4. Removal

The chair or any member of any committee may be removed for willful misconduct by a majority of a quorum of the Council at any time at a properly called meeting of the Council.

ARTICLE IX. ANTI-DISCRIMINATION

The Council shall not discriminate in any regard with respect to race, ethnicity, color, sex, gender, sexual orientation, gender identity, marital status, religion, national origin, ancestry, pregnancy, parenthood, custody of a minor child, age, veteran status, physical or mental disability, or any legally protected class recognized by state or federal law.

ARTICLE X. PARLIAMENTARY AUTHORITY

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 in conflict with these bylaws and any special rules of order that the Council may adopt.

ARTICLE XI. PROCEDURES

Section 1. Quorum

See Article V, Section 2.

Section 2. Voting


- a. Council decisions should be made by consensus.
- b. If voting becomes necessary, a simple majority of the members present at the meeting will be sufficient for a vote on any issue.
 1. Types of Voting
 - i. By Voice – The Chairperson may ask the members of the Council to indicate in the affirmative those members in favor of a motion, and to indicate an objection those members not in favor of a motion. Any member may move for an exact count.
 - ii. By General Consent – The Chairperson may present all members with the opportunity to object, which by their silence will indicate agreement with the motion. If a member indicates an objection, the motion must be put to a vote.
 - iii. By Ballot – Any member may request that a ballot vote be conducted regardless of the subject matter.

ARTICLE XII. AMENDMENT OF BYLAWS

The bylaws may be amended at any regular meeting of the Council by a two-thirds vote of the quorum as prescribed by Article V, Section 2a provided that the proposed amendment has been submitted in writing to all members fourteen (14) days in advance of the meeting. The bylaws may be reviewed every two (2) years and any amendments and revisions shall be in accordance with PL 102-321. Absentee voting shall not be allowed for any amendments to the bylaws.

Adopted the 20th day of November 2024.

Chair


Signature