

Iowa Mental Health Planning and Advisory Council Bylaws

Effective May 28, 2008 as amended July 23, 2010, March 21, 2012, March 21, 2018, September 19, 2018, and January 18, 2023

ARTICLE I – NAME

The name of this organization shall be the Iowa Mental Health Planning and Advisory Council.

ARTICLE II – DUTIES AND ACTIVITIES

The purposes of the Iowa Mental Health Planning and Advisory Council (the Council) shall be as set forth in federal law (42 USC 300x-3, Pub. Law 102-321, July 10, 1992, ADAMHA Reorganization Amendments, Public Health Service Act, 106 Stat. 382).

Section 1. Duties

- A. To participate in the development of and subsequently review mental health plans for Iowa provided to the Council pursuant to 42 USC 300X-4 (a) and to submit to the State of Iowa any recommendations of the Council for modifications to the plans;
- B. To serve as an advocate for adults with serious mental illness, children with a serious emotional disturbance, and other individuals with mental illnesses or emotional problems;
- C. To monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services within Iowa; and
- D. To affiliate, join, and collaborate with groups, organizations, and professional associations that the Council may designate or choose to advance its stated purposes under these bylaws and federal law; and, specifically, to join the National Association of Mental Health Planning and Advisory Councils.

Section 2. Activities

- A. To organize as a proactive and effectively working Council;
- B. To actively participate in the development of the State's Center for Mental Health Services (CMHS) Community Mental Health Block Grant Application;
- C. To provide recommendations on State goals according to the criteria of the CMHS Community Mental Health Block Grant;
- D. To advise on the allocation of monies received by the State Mental Health Authority (Iowa Department of Health and Human Services, hereafter abbreviated as HHS) through CMHS Community Mental Health Block Grant funding;

- E. To advise the State Mental Health Authority on matters that may affect the stated purposes of this Council;
- F. To review the annual submission of the CMHS Community Mental Health Block Grant Application and comment on it to the Director of the Center for Mental Health Services;
- G. To review the annual submission of a copy of the CMHS Community Mental Health Block Grant Application and comment on it to the Governor of the State of Iowa; and
- H. To perform other duties as required by federal regulations.

Section 3. Records

- A. The State Mental Health Authority shall maintain all official records of the Council in perpetuity.
 - (1) At the will of the Council, HHS staff shall take the minutes of all Council meetings and shall make minutes available for review and feedback by the Secretary and Executive Committee prior to presentation to the full Council.
 - (2) If the HHS staff person cannot be present or designate a replacement, the Chairperson shall appoint a council member to take minutes.
- B. Copies of any records deemed necessary for Council activities shall be maintained by the State Mental Health Authority.

ARTICLE III – MEMBERSHIP

Section 1. General

To the extent feasible, the membership of the Council shall represent the diverse population of the State of Iowa.

Section 2. Requirements

The Iowa Mental Health Planning and Advisory Council shall abide by the following federal requirements:

- A. The ratio of parents of children with a serious emotional disturbance to other members of the Council shall be sufficient to provide adequate representation of children with SED in the deliberations of the Council; and
- B. Not less than 50 percent of the members of the Council shall be individuals who are not State employees or providers of mental health services.
 - (1) A provider of mental health services is an individual who receives money, from any source, to provide direct or indirect mental health services to consumers.

- (2) Advocacy, educational, and training organizations, and their employees, shall not be considered providers of mental health services under these bylaws. (Unless they also receive funding for the provision of direct services)
- (3) Volunteers and members of advisory and governing boards (of mental health provider organizations) shall not be considered providers solely because of such status.

Section 3. Membership Categories

Membership shall be the following:

- A. Seven (7) members representing the principal State agencies with primary responsibility for the following programs:
 - Mental Health
 - Education
 - Vocational Rehabilitation
 - Criminal Justice
 - Housing
 - Social Services
 - Medical Services (Title XIX)
 - (1) Individuals nominated by the principal State agencies shall be reviewed and elected or accepted by the Council. If the Council has concerns or feedback to provide to a principal State agency, through collaboration with the State Mental Health Authority, these concerns can be shared with that agency prior to election of the individual nominee.
 - (2) Any individual employed by or contracting with the State Mental Health Authority who directly manages or supervises the CMHS Community Mental Health Block Grant may not become a voting member of the Council.
- B. Six (6) members representing public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services statewide.
- C. Six (6) members who are adults with serious mental illness and current or past consumers of mental health services.
- D. Four (4) members (age 16 and over) who are family members of adults with serious mental illness.
- E. Six (6) members who are parents, guardians, or primary caretakers of children with serious emotional disturbance.
- F. Four (4) other individuals with an interest in supporting the needs of children with serious emotional disturbance and adults with serious mental illness. (There is an expectation for child advocacy representation provided by a representative knowledgeable about the juvenile justice system.) Iowa Code 225C.4 subsection 1 “t” (2010 General Assembly) provides for

one (1) representative by a military veteran who is knowledgeable concerning the behavioral and mental health issues of veterans.

G. Four (4) ex-officio members representing the Iowa General Assembly:

- One representative of Senate Democrats
- One representative of Senate Republicans
- One representative of House Democrats
- One representative of House Republicans

(1) Individuals representing the Iowa General Assembly will be nominated by the Majority and Minority leaders of their respective chambers and shall be accepted and confirmed by the Council. If the Council has concerns or feedback to provide to Majority or Minority leaders, these can be shared with that agency prior to election of the individual nominee.

(2) Ex-officio members shall attend no less than biannually with at least one attendance coinciding with the fall session of the Assembly and at least one attendance coinciding with the spring Session of the Assembly.

(3) If an ex-officio Assembly member is not able to meet this obligation, the member should notify the Majority or Minority Leader (as appropriate) to nominate a new member.

(4) The council shall notify Majority or Minority Leader if an ex-officio member is not meeting their obligation, to allow for review of member appointment or making adjustments so that the member can achieve this obligation.

Section 4. Nominations

A. All new members will be subject to a written application process. Renewing members need to notify the nominating committee in writing of their desire to be re-appointed.

B. To be considered, a designated recipient at the State Mental Health Authority must receive the written application for Council membership by the due date specified in the announcement for applications.

Section 5. Voting Rights

A. Each Council member in attendance shall hold one vote.

B. Members may attend meetings and vote by video conference or telephone, if technically possible at the meeting location and pre-arranged with staff.

C. No proxy voting is allowed.

D. Under General Ethical Principles Regarding Conflict of Interest in Iowa Code Chapter 68B (Conflicts of Interest), members of the Council shall recuse themselves (abstain) from voting when they have, or anticipate having, a direct financial stake in the outcome of a Council decision, related to or independent of their status as a provider of mental health services. (See Article VI – Conflict of Interest)

- E. If in the course of business a vote arises that a member perceives as potentially directly impacting the policies or operations of the entity that the member is employed by or represents, that member may recuse themselves (abstain) from a vote to allow time to seek further input from their governing bodies or executive management.

Section 6. Vacancies

- A. Council membership ends when:
 - (1) A member resigns or dies; or
 - (2) A member's term ends, and that member does not reapply for another term.
 - (3) A member fails to meet the Council's minimum attendance policy as defined in Sec. 6(B); or
 - (4) A majority of the Council terminates the member for just cause, as defined by that majority subject to the procedures required by Sec. 8; or
 - (5) In the case of a principal State agency member, the member's term ends when a new individual is nominated by the principal State agency and confirmed by the Council.
- B. All Council members will be held to an attendance policy, as follows: Members will, at a minimum, attend one-half of the regular meetings of the Council for each year. A Council member will be contacted and the absence policy reviewed after a second consecutive absence. After three consecutive absences, a member shall be notified that his or her position will be considered vacant. Failure to notify the member does not constitute a waiver of the attendance requirements.
- C. Attendance may be accomplished in person, by video conference call, or by telephone conference call.
- D. The termination of an individual principal State agency member does not terminate the designated agency's representation on the Council as provided for in Article III, Section 3(A).
- E. Resignations by Council members will be automatically accepted and their positions considered vacant immediately.

Section 7. Terms of Membership

- A. The membership term of a Council member shall be three years.
- B. Membership terms shall be staggered so that one-third of the total number expires each year.
- C. To maintain the staggered term structure, each full membership term will begin with the first meeting after the annual meeting.
- D. Members elected to fill an unexpired term will begin their term at the first meeting following their election.

- E. All new members will be subject to a written application Process. Renewing members need to notify the nominating committee in writing of their desire to be re-appointed.
- F. A members elected to fill an unexpired term who wants to continue as a Council member at the end of their term will notify the Nominating committee in writing of their desire to be re-appointed.

Section 8. Termination for Just Cause

- A. A Council member or members who feel just cause exists for another member of the Council to be terminated pursuant to Section 6(A)(5), must present a written statement of the reasons for the proposed termination to the Executive Committee.
- B. The Executive Committee shall review any such written statement and determine if the matter has merit to be presented to the full Council.
- C. Only the Executive Committee is empowered to present a motion for termination of a member for just cause before the full Council.
- D. A motion for termination for just cause must be accompanied by a written statement of the reasons for the proposed termination.
- E. The Council member who is the subject of the motion must be given an opportunity to respond to the written statement before the Council, prior to any action being taken.

ARTICLE IV – MEETINGS

Section 1. General

- A. Regular and special meetings of the Council shall be called by either:
 - (1) The Executive Committee; or
 - (2) Eight (8) or more Council members
- B. The Council shall meet no less than four (4) times a year.
- C. Council meetings shall be conducted according to the current version of “Roberts Rules of Order,” as periodically revised, and comply with the requirements of Iowa Code Chapter 21 (Open Meetings) and Iowa Code Chapter 22 (Open Records).
 - (1) A parliamentarian may be elected by majority vote of the Council to interpret and enforce procedural rules.
- D. Members shall be given at least two weeks advance notice of regular meetings. Special meetings may be called and noticed as necessary. Meeting notices must include place, date, and hour. Meeting agendas shall be posted as required by law.

- E. The Council's Annual Meeting shall take place at the next regular meeting following the annual federal review of Iowa's CMHS Block Grant Application [November].

Section 2. Quorum

- A. No less than two-thirds of the Council members eligible to vote will constitute a quorum. The number of members eligible to vote if all Council positions are filled is thirty-three (33).
- B. If, during the course of a meeting, the number of members present is reduced below a quorum, the meeting may continue but no vote may be taken.

Section 3. Votes

- A. A Majority of the quorum is needed to accept any matter put to a vote.
- B. The Council Chair casts a vote only in the event of a tie.
- C. In the process of voting, if a member recuses themselves (abstains) from a vote, it shall count neither for nor against the matter at vote. The vote may then be considered accepted by a majority vote of the remaining quorum of members.
- D. Should at any time the passing quorum vote fall below the majority number of the total active council membership, the Council should consider a delay acceptance of the vote until such time as a majority of the active council can be either present or able to affirm the matter of action.
- E. If a matter of action does pass with less than a majority number of the total active council, clarification and delineation of such should be made in the minutes of the meeting.

ARTICLE V – OFFICERS AND COMMITTEES

Section 1. Officers

- A. The officers of the Council shall be a Chairperson, a Vice-chairperson, and Secretary.
- B. The outgoing Chairperson may be retained in an ex-officio capacity at the will of the council.

Section 2. Nomination and Election

- A. Council Members interested in becoming an officer shall notify the Nominating Committee of their intention prior to the annual meeting. The nominating Committee shall bring the list of those interested forward to the full Council.
- B. Officers shall be elected annually for one-year terms.

- C. Election of officers shall normally take place at the Council's Annual Meeting, but may be called at another date at the discretion of the Executive Committee, if necessary.
- D. A quorum of Council members shall elect the officers by majority vote.

Section 3. Terms of Office

- A. Officers shall be elected for a one-year term. There shall be no limit to the number of terms an individual member may be elected to office.

Section 4. Duties

- A. The Chairperson shall:

- (1) Notify members of meetings;
- (2) Preside at Council meetings.
- (3) Not participate in voting as Chairperson unless called upon in case of tie (Article IV, Section 3 (B))

- B. The Chairperson, in cooperation with the Executive Committee, shall:

- (1) Establish and publish the agenda for Council meetings;
- (2) Establish and publish an annual calendar for Council meetings;
- (3) Report to the federal government (CHMS), the Governor of Iowa, and designated persons or organizations;
- (4) Serve as liaison between the Council and other groups and organizations, including the State Mental Health Authority;
- (5) Communicate with and regularly report to the Council;
- (6) Designate ad hoc committee membership and monitor such committee's areas of focus;
- (7) If the HHS staff person cannot be present or designate a replacement, the Chairperson shall appoint a council member to take minutes; and
- (8) Perform other miscellaneous functions, as determined or designated by the Council.

- C. The Vice-Chairperson shall:

- (1) Assume the Chairperson's duties for any period of time that the Chairperson is unable to do so;
- (2) In the event that the Chairperson is unable to complete his or her term, act as Temporary Chairperson until the Council elects a new Chairperson;
- (3) In the absence of the Secretary in a meeting, serve as Secretary;
- (4) Serve as a voting member of the Executive Committee and
- (5) Guide the mentoring process for new members and/or youth members.

- D. The Secretary shall:

- (1) Serve as a voting member of the Executive Committee;

- (2) Monitor the maintenance of minutes and records of the Council's business and ensure that minutes and records are compiled and maintained by the State Mental Health Authority to be preserved in perpetuity; and
- (3) Assume the Chairperson's duties for any period of time that both the Chairperson and Vice-Chairperson are unable to do so.

Section 5. Standing Committees or Workgroups in General

- A. Standing committee members shall be elected annually by a majority vote of the Council at the meeting following the annual meeting.
- B. Standing committee/workgroup chairs shall be elected by majority vote of the committee/workgroup members.
- C. In electing standing committee members or appointing workgroup members, efforts will be made to reflect the diversity of the Council membership categories.
- D. Three (3) standing committees are authorized by these bylaws:
 - (a) Nominations Committee;
 - (b) Executive Committee;
 - (c) Monitoring and Oversight Committee.

Section 6. Nominations Committee

- A. The Nominations Committee shall consist of five (5) Council members.
- B. The Nominations Committee shall conduct outreach to diverse communities.
- C. The Nominations Committee shall nominate persons for the offices of Chairperson, Vice-chairperson, and Secretary for consideration by the entire Council.
- D. The Nominations Committee shall be responsible for soliciting and reviewing applications for Council membership, and making recommendations to the Council. A Council vote accepts or does not accept the application for membership.

Section 7. Executive Committee

- A. The Executive Committee shall consist of: the Chairperson, the Vice-Chairperson, the Secretary, and the Chairs of the Standing Committees. At the will of the Council, the past Chairperson can be an ex-officio member.
- B. The Executive Committee shall review Conflict of Interest Disclosures and make recommendations to the full Council on Conflict of Interest issues.
- C. The Executive Committee shall establish ad hoc committees and work groups as needed.
- D. The Executive Committee shall:

- (1) Establish the agenda for Council meetings;
- (2) Establish an annual calendar for Council meetings;
- (3) Report, on behalf of the Council, to the federal government (CMHS), the Governor of the State of Iowa, and designated persons or organizations;
- (4) Serve as liaison between the Council and other groups and organizations, including the State Mental Health Authority;
- (5) Communicate with and regularly report to the Council;
- (6) Monitor the maintenance of records of Council business and deliver any official records to the Mental Health Authority to be maintained in perpetuity.
- (7) Perform other miscellaneous functions, as developed or designated by the Council.

Section 8. Monitoring and Oversight Committee

- A. The Monitoring and Oversight Committee shall consist of five (5) Council members.
- B. The Monitoring and Oversight Committee shall, at their discretion, or on the recommendation of the Council:
 - (1) Review and comment on work plans submitted by contractors;
 - (2) Review and comment on budget expenditures made pursuant to the CMHS Block Grant;
 - (3) Review and comment on procedural issues connected with the CMHS Block Grant;
 - (4) Monitor and comment on the state of the mental health system in Iowa; and report or make recommendations for action to the full Council.

Section 9. Workgroups

- A. The Executive Committee shall create and appoint workgroups committees to carry out any necessary Council business or activities that are not expressly provided for in these bylaws.

ARTICLE VI – CONFLICT OF INTEREST

Section 1. Conflict of Interest Policy

- A. The Mental Health Planning and Advisory Council (hereinafter, “the Council”) respects the rights of all members in their activities outside of their association with the Council, should such activities not conflict with or adversely reflect upon the Council. It is Council policy to place trust in each member’s integrity, judgment, and dedication. It is also important to avoid even the perception of a conflict of interest. Accordingly, the policy set forth below has been adopted:
 - (1) All Council members are expected to declare any financial or personal affiliations that could interfere with their effectiveness in representing the interests of individuals with serious mental illness or serious emotional disturbance on the Council, or on their effectiveness in representing the Council to the public.
 - (2) All Council members shall complete a Conflict of Interest Disclosure Statement, including information on any of the following situations:

- (a) Holding a financial interest in a company, organization, or agency that provides services to individuals with serious mental illness or serious emotional disturbance.
 - (b) Receiving federal CMHS Block Grant funding as a contractor, sub-contractor, employee, provider, or in another capacity.
 - (c) Membership on other councils, boards, commissions, or public bodies that may have interests conflicting with those of the Council.
- (3) In the course of Council business, members will be expected to identify instances when a conflict or the appearance of a conflict of interest exists and voluntarily abstain from voting in those situations.
- (4) Each member shall sign and place on file with the Council a Conflict of Interest Disclosure Statement annually. (See Appendix A).
- (5) Any Conflict-of-Interest Issues that come to the attention of the Council shall be reviewed by the Executive Committee.

ARTICLE VII – BYLAWS

Section 1. Revision

- A. These bylaws may be altered, amended, or repealed, by a majority vote of the Council members at any regular or special meeting of the Council, following a reading, provided that:
- (1) The proposed amendments have been given a first reading at a prior meeting, and
 - (2) That the amendments were submitted to the membership in writing at least two weeks in advance of the meeting where the vote will take place.
- B. A bylaws workgroup shall be created by the Executive Committee when necessary for the consideration and development of amendments proposed by Council members or by the officers.

First reading: May 28, 2008

Second reading: Waived May 28, 2008

Adopted: These By-laws are accepted and adopted by vote of the Iowa Mental Health Planning and Advisory Council on May 28, 2008.

Amended: By majority vote of the Council on July 23, 2010, Art. III, Sect. 3F Membership.
 By majority vote of the Council on March 21, 2012, Art. III, Sec. 6B Vacancies; Art. V, Sec. 4B Duties.
 By majority vote of the Council on **March 15, 2023**, all Articles, formatting and grammar.

Appendix A:

Conflict of Interest Disclosure Statement

I, _____, have read the Mental Health Planning and Advisory Council Conflict of Interest Policy (as outlined in Article VI of the Bylaws) and state by my signature below that I am in compliance with it and will continue to observe this policy carefully throughout my association with the Council. In addition, I am disclosing possible conflicts of interest or the potential for the appearance of conflicts of interest, as follows:

Signed: _____

Date: _____

The information in this Conflict of Interest Disclosure Statement will be reviewed by the Executive Committee of the Mental Health Planning and Advisory Council and maintained as part of the official record of the Council by the State Mental Health Authority. If any actual or potential conflict requires attention, the Executive Committee will attempt to resolve the perceived conflict(s).

Ethical Considerations of Council Membership:

Individual Council members have no authority apart from the full Council and cannot act on their own or take action on behalf of the Council without being authorized to do so by the bylaws or the official act of the Council. All Council members are expected to support the decisions of the Council. Council members are discouraged from taking personal action to discredit the dignity and integrity of the Council, staff, or individual members.