

1 **North Carolina State Consumer & Family Advisory Committee**

2 **By-Laws**

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4
5 **ARTICLE 1. NAME**

6 The name of this committee is the State Consumer and Family Advisory Committee (SCFAC).

7 **ARTICLE 2. PURPOSE**

8 There is established the State Consumer and Family Advisory Committee (State CFAC). The State
9 CFAC shall be a self-governing and self-directed organization that advises the Department and the
10 General Assembly on the planning and management of the State's public mental health, intellectual
11 and developmental disabilities, substance use disorder, and traumatic brain injury services system.

12 The State CFAC shall undertake all of the following:

- 13 (1) Review, comment on, and monitor the implementation of the State Plan for Mental Health,
14 Developmental Disabilities, and Substance Use Services.
15
16 (2) Identify service gaps and underserved populations.
17
18 (3) Make recommendations regarding the service array and monitor the development of
19 additional services.
20
21 (4) Review and comment on the State budget for mental health, intellectual and developmental
22 disabilities, substance use disorder, and traumatic brain injury services.
23
24 (5) Review and comment on contract deliverables and the process and outcomes of prepaid
25 health plans in meeting these contract deliverables.
26
27 (6) Receive the findings and recommendations by local CFACs regarding ways to improve the
28 delivery of mental health, intellectual and developmental disabilities, substance use disorder,
29 and traumatic brain injury services, including statewide issues.
30
31 (7) Develop a collaborative and working relationship with the prepaid health plan member
32 advisory committees to obtain input related to service delivery and system change issues.
33

34 **ARTICLE 3. MISSION**

35 The mission of the State CFAC shall be consistent with N.C.G.S. §122C-171, the activities of the
36 State CFAC shall include, without limitation, the following:

- 37
38 • Support the development of consumer services by identifying needs and gaps in services
39 and promoting services that are effective and meet high quality standards.
40
41 • Support CFAC growth and development at state and local levels.
42
43 • Support individual consumer and family participation at state and local levels.
44
45 • Promote activities related to consumer recovery, wellness, empowerment, and self-
46 determination.

- 1
- 2 • Review, comment on, and monitor the implementation of North Carolina State Action Plan For
- 3 People with Traumatic Brain Injury.
- 4

5 **ARTICLE 4. SUPPORT TO THE STATE CFAC**

6 The Secretary shall provide sufficient staff to assist the State CFAC in implementing its duties

7 under subsection (c) of this section. The assistance shall include data for the identification of

8 service gaps and underserved populations, training to review and comment on the Department

9 Initiatives and departmental budget, procedures to allow participation in quality monitoring, and

10 technical advice on rules of procedure and applicable laws. State CFAC members shall receive

11 the per diem and allowances prescribed by G.S. 138-5 for State boards and commissions."

12

13 **ARTICLE 5. MEMBERSHIP**

14 The State CFAC shall be composed of 21 members. The members shall be composed

15 exclusively of adult consumers (ages 18 and over) of mental health, intellectual and

16 developmental disabilities, substance use disorder, and traumatic brain injury services and

17 family members of consumers of mental health, intellectual and developmental disabilities,

18 substance use disorder, and traumatic brain injury services.

19

20 **Section 1. Recruitment of Members**

21 Recruitment of committee members is the responsibility of the appointing authorities.

22

23 **Section 2. Terms of Office / Appointing Authorities**

24 The terms of members shall be three years, and no member may serve more than two

25 consecutive terms. Past members may reapply after a one-year separation period. Vacancies

26 shall be filled by the appointing authority. The members shall be appointed as follows:

27

- 28 (1) Nine members appointed by the Secretary. The Secretary's appointments shall reflect each of
- 29 the disability groups. The terms shall be staggered so that terms of three of the appointees
- 30 expire each year.
- 31
- 32 (2) Four members appointed by the President Pro Tempore of the Senate as follows:
- 33 a. One member from the eastern region of the State.
- 34 b. One member from the central region of the State.
- 35 c. Two members from the western region of the State.
- 36 The terms of the appointees shall be staggered so that the term of one appointee expires every
- 37 year.
- 38
- 39 (3) Four members appointed by the Speaker of the House of Representatives as follows:
- 40 a. One member from the eastern region of the State.
- 41 b. Two members from the central region of the State.
- 42 c. One member from the western region of the State.
- 43 The terms of the appointees shall be staggered so that the term of one appointee expires every
- 44 year.
- 45
- 46 (4) Four members appointed by the North Carolina Association of County Commissioners as
- 47 follows:
- 48 a. Two members from the eastern region of the State.
- 49 b. One member from the central region of the State.
- 50 c. One member from the western region of the State.

1 The terms of the appointees shall be staggered so that the term of one appointee expires every
2 year.

3 4 **Section 3. Emeritus Membership**

5 For members who are no longer eligible after completion of the two (2) term limits or expiration of a six-year
6 period of membership. Upon request by the SCFAC to any Appointing Authority a member, pending their
7 agreement, shall become an Emeritus member for a period of one (1) year.

8
9 Emeritus members shall have the privileges, responsibilities, and obligations of a regularly appointed member.

10
11 Emeritus membership does not expand and/or increase the Committee membership as set forth in § 122C-171(b).

12 13 **Section 4. Attendance**

14 SCFAC members shall attend:

- 15 • 9 meetings each fiscal year if 12 meetings are held
- 16 • 8 meetings each fiscal year if 11 meetings are held
- 17 • Members shall not miss 3 consecutive meetings at the end of or the beginning of the fiscal year.
- 18 • Meetings may be attended either in person or virtually (by videoconference or telephone) and
19 provided the members are expected to participate fully in the meeting at all times except for
20 periods during which the meeting is in recess or adjournment.
- 21 • SCFAC members shall make every effort to attend the majority of the meetings (barring hardship)
22 held in a fiscal year.

23
24 After the second consecutive missed meeting, a courtesy letter will be sent certified mail by the Chair
25 and/or Vice-Chair to determine whether that member wishes to continue serving or would like to submit
26 a request for a Temporary Leave of Absence.

27
28 The Chair and Vice-Chair will decide, on a case-by-case basis and after consultation with the members
29 of SCFAC as a whole, whether to recommend a written request be sent to the member's appointing body
30 to reconsider the appointment to the SCFAC by the affirmative vote of two-thirds of the membership.
31 Furthermore, if any member fails to meet this attendance requirement during the 12-month fiscal year
32 (July through June) shall be entitled to at least a fourteen (14) day notice in writing by certified mail of
33 the meeting of the SCFAC at which his/her reconsideration is to be voted upon and shall be entitled to
34 appear before and heard by the SCFAC at the meeting.

35 36 **Section 4. Temporary Leave of Absence**

37 There will be no differentiation of absences among health, personal, professional, work-related, or another
38 basis for a member's absence. A member may request a "temporary leave" for any reason and not be
39 considered absent during that period for attendance purposes. Such request will be in writing considered
40 for consideration and decided by the Chair and Vice-Chair after consultation with the SCFAC as a whole.
41 Requests may be granted up to a 3-month time-period in three month increments for a maximum of six
42 months. With extenuating circumstances, further Temporary Leave of Absence requests may be
43 considered.

44 45 **ARTICLE 6. MEETINGS**

46 **Section 1. Regular Meetings**

47 Members of the SCFAC will meet a minimum of 11 times a year (July through June) at the date, place,
48 and time specified by the Chair for the purpose of transacting business and electing officers. A quorum is
49 to be defined as a majority, a minimum of 51%, of the total number of active members. No proxies are
50 permitted.

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2 **Section 2. DMHDDSUS Leadership Team Meetings**

3 SCFAC Chairperson or their designee will meet with a minimum of one member of the DMHDDSUS
4 Leadership Team on at least a quarterly basis. The Chair, in consultation with the members, may invite
5 other committee chairs or members to attend to offer expertise or to report SCFAC activities.
6

7 **Section 3. Meetings with the Secretary DHHS**

8 At least annually in a regular meeting, the SCFAC shall meet with the Secretary of DHHS to present its
9 position on the progress of the Division of MHDDSUS in meeting the goals of system reform and the
10 outcomes identified in the Department Initiatives. The SCFAC will place the meeting with the Secretary
11 on the agenda in the last quarter. Additional meetings with the Secretary of DHHS may be scheduled as
12 necessary.
13

14 **Section 4. Special Meetings**

15 Special meetings may be called by the Chair or by at least 1/3 of the appointed member.
16

17 **Section 5. Notice of Meetings**

18 Notice of all regular meetings shall be made by email or mail at least 14 days before the meeting to the
19 address designated for such contacts by each member. Special meetings require at least 5 days' notice.
20 Notice of meeting date, time, and place shall be filed each month by the staff liaison with the Secretary
21 of State in accordance with the law.
22

23 When canceling or rescheduling a SCFAC meeting due to inclement weather the 7-day rule of advanced
24 notification from open meetings law does not apply a reasonable effort will be made to notify the public
25 and committee members.
26

27 **Section 6. Business to be Transacted.**

28 All meetings shall comply with North Carolina General Statutes Open Meetings § 143-318.10..
29

30 The Chair shall develop the agenda in collaboration with the staff liaison in advance of each meeting
31 based on consultation with the Vice-Chair and committee chairs and member discussion at the previous
32 meeting. The agenda shall be distributed with the meeting notice.
33

34 Any business may be transacted at any SCFAC meeting provided it is listed on the agenda for that
35 meeting. The agenda may be amended at the beginning of the meeting by a majority of the members
36 present and voting. Agenda items designated for "action" may be discussed before a motion is made
37 unless the chair rules otherwise.
38

39 Public comment – Public comment will be 3 minutes per person with ensuing discussion at the discretion
40 of the Chair.
41

42 For special meetings, the Chair shall prepare an agenda to address the purpose of the special meeting. No
43 other agenda item may be added to the agenda of a special meeting.
44

45 Minutes of all meetings will be taken by the staff liaison and distributed with the meeting notice.
46 Minutes must be approved by the SCFAC at the next regular meeting.
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49 **Section 7. Voting**

50 Except as set forth in Article 6, Section 2 (Election of Officers), each SCFAC member in attendance at a

1 meeting is entitled to one vote on each matter submitted to a vote.

2
3 The SCFAC will strive to reach decisions by consensus. Where consensus is not possible, decisions will
4 be made by a majority of the total appointed membership attending the meeting at the time of the vote.

5
6 **Section 8. Conduct of Meetings**

7 The Chair shall preside over each meeting of the members. The Vice-Chair shall preside in the Chair's
8 absence. The priority of authority for conduct of procedure will be the SCFAC Rules Procedure and
9 issues not covered will reference *Suggested Rules of Procedure for Small Local Government Boards*
10 (A. Fleming Bell, 1998), and finally Robert's Rules of Order.

11
12 All members shall make certain that discussion at meetings is applicable to the business and issues being
13 considered by the SCFAC at that time, is consistent with SCFAC's statutory mission, and is conducted
14 within reasonable time limitations. The Chair, or other presiding member, shall set guidelines for the
15 topics and length of any individual comment or group discussion and all members will abide by such
16 limitations.

17
18 **ARTICLE 7. OFFICERS AND THE ELECTION OF OFFICERS**

19 **Section 1. Number**

20 The officers of the SCFAC shall be the Chair and Vice-Chair. The same person may not hold both
21 offices. The SCFAC may elect other officers with powers and duties consistent with these Bylaws and as
22 determined by the SCFAC.

23
24 **Section 2. Election Term of Office, and Qualifications**

25 A Nominating Committee comprised of three (3) members shall be chosen by SCFAC members during
26 the April meeting of each fiscal year.

27
28 Candidates for the position of Chair and Vice-Chair shall be presented by the Nominating Committee at
29 the May meeting for subsequent election at the June meeting.

30
31 Any SCFAC member may self-nominate for Chair or Vice-Chair by contacting the current Chair no later
32 than 1 week prior to the June meeting.

33
34 The Chair shall be elected for a term of 1 year and may serve a maximum of 2 terms.

35
36 The Vice-Chair shall be elected for a term of 1 year with a maximum of 2 terms. The Vice-Chair may
37 subsequently be elected Chair.

38
39 The Election of Officers shall be held at the June meeting, provided a 2/3's quorum of current members
40 is present at that meeting, either in-person or by telephone conference. Members attending the full
41 meeting by telephone conference may vote only by contacting designated SCFAC staff, by email, or as
42 otherwise directed by SCFAC staff, during the time period voting is being conducted at the meeting site.
43 If a quorum is not present, either in-person or by telephone conference or chosen platform (Zoom,
44 Teams...), at the June meeting, the election shall take place at the July meeting and the term of the
45 Officers shall begin at that time.

46
47 It is anticipated that SCFAC members will make every effort to attend the meeting for the Election of
48 Officers in person. If any SCFAC member is unable to attend the June meeting (or the meeting
49 designated for the Election of Officers), the member may contact the Chair or Vice-Chair prior to the
50 call-to-order of that meeting and indicate the basis for requesting a vote without attending the meeting.

1 The Chair and Vice-Chair will decide, on a case-by-case basis, whether the member may vote in the
2 election. If allowed, such members' votes will be communicated to SCFAC staff only and not be
3 disclosed prior to balloting. This method of voting is not to be considered for purposes of determining a
4 member's attendance and is not to be included in the requirement for a 2/3 quorum as set forth above.
5

6 The member with the highest number of votes for each position is deemed elected to that position. A
7 majority of votes cast is not required.
8

9 **Section 3. Vacancies**

10 In case an office becomes vacant, the majority (provided there is a 2/3 quorum) of the appointed
11 members of the SCFAC shall elect an officer at the next meeting to fill the vacancy for the remainder of
12 that term.
13

14 **Section 4. Chair**

15 The Chair shall preside at all meetings of the SCFAC. He/she shall generally have charge and
16 supervision of the affairs of the SCFAC, shall be responsible for the development of the meeting agenda,
17 and shall perform such other duties as may be assigned by the SCFAC.
18

19 The Chair shall be the official representative of the SCFAC in all situations where representation is
20 appropriate and shall reflect the will or intention of the Committee rather than his/her own opinion if
21 those should differ.
22

23 The Chair is the primary liaison with support staff and with the Division of MH/DD/SAS.
24

25 If a Standing Committee does not elect a chairman as set forth in Article 7, the Chair shall appoint a
26 chairman after consultation with members of the SCFAC.
27

28 **Section 5. Vice-Chair**

29 At the request of the Chair, or in the event of the Chair's absence or incapacity, the Vice-Chair shall
30 perform the duties and possess the power of the Chair and shall have such other powers as the SCFAC
31 may assign.
32

33 **Section 6. Removal of Officers and/or Members**

34 Any officer may be removed from office by the affirmative vote of two-thirds of all of the appointed
35 members of the SCFAC at any regular or special meeting called for that purpose, for conduct detrimental
36 to the mission and purpose of the Committee, violation of the code of conduct, and/or for refusal or
37 inability to fulfill the responsibility of the Office. Any officer proposed to be removed shall be entitled to
38 at least fourteen days' notice in writing by mail of the meeting of the SCFAC at which removal is to be
39 voted upon and shall be entitled to appear before and be heard by the SCFAC at the meeting. Any officer
40 may resign from office by giving written notice to the Chair and/or Vice-Chair of the SCFAC.
41

42 The appointing authority has the authority to remove members. Therefore, the SCFAC must submit a
43 written recommendation to the appointing authority to remove for a cause that must include justification
44 with specific reason(s).
45

46 **ARTICLE 8. COMMITTEES**

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48 In order to fulfill its statutory obligations pursuant to NCGS §122C-170,
49 et seq., the SCFAC shall maintain the following Standing Committees
50 (Sub-Committees):

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1. Community Collaboration Committee (State to Local Call)
 2. Legislative & State Budget Committee
 3. Contract Deliverables Committee
 4. Gaps /Needs & Optimization Committee
 5. Executive Committee (Members to include the Chair, Vice-Chair, and Chairmen of all Standing Committees)

Members of Standing Committees will choose or elect their own chairman or co-chairman.

Standing Committees are expected to meet regularly as needed with a minimum of bi-monthly meetings. Meetings may be either in-person, conducted at a designated time at monthly SCFAC meetings, or by telephone conference. Standing Committees shall present a written summary of all meetings to the SCFAC for possible further discussion.

Additional Ad Hoc Committees, such as a Nominating Committee as set forth in Article 7, may be created at the direction of the Chair or by a majority of members. In the establishment of any Ad Hoc Committee, the Chair will identify the specific tasks for the Ad Hoc Committee and the time frame to accomplish such tasks. The Chair will appoint the chairmen of the Ad Hoc Committees, including the Nominating Committee.

All Standing Committees and Ad Hoc Committees shall be focused on meeting the statutory obligations of the SCFAC as set forth in NCGS §122C-171.

All SCFAC members will serve on one or more Standing Committees of their choice. If a specific Standing Committee or Ad Hoc Committee is deemed by the Chair to be underserved to meet its responsibilities, the Chair will appoint members to such Committee after consultation with SCFAC members.

ARTICLE 9. AMENDMENTS

The SCFAC shall have the power to make, alter, amend, and repeal the Bylaws by the affirmative vote of two-thirds of the appointed members of the Committee. The action shall be adopted at a regular or special meeting of the Committee provided the proposed amendments have been sent to all members at least ten (10) days before the meeting.

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APPENDIX A
Bylaws History

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