

# Governor's State Rehabilitation Council



## Member Manual

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## Governor's State Rehabilitation Council (SRC) Background

The Rehabilitation Act of 1973 was the first major legislative effort to secure an equal playing field for individuals with disabilities. The legislation provides a wide range of services to assist people with disabilities in pursuing and achieving employment and independence. The Rehabilitation Act has been amended twice since its inception, once in 1993 and again in 1998. These amendments led to the creation of the State Rehabilitation Council and increased the ability of consumers, advocates, and other representatives of people with disabilities to influence the Vocational Rehabilitation (VR) system.

As of 2014, the Rehabilitation Act is embedded within Title IV of the Workforce Innovation and Opportunity Act (WIOA). WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market, and to match employers with skilled workers to compete in the global economy. The State Rehabilitation Council continues to be an important part of the law and helps ensure the full inclusion of people with disabilities in the workforce through participation in the following activities:

- **State Plan:** The SRC advises VR on the development of the VR services portion of the State Plan. The overall purpose of the State Plan is to assure that the State and Federal government play a leadership role in promoting employment for persons with disabilities and to ensure a link between public participation and the legislative process.
- **Evaluation and Recommendations:** The SRC reviews, analyzes and evaluates the performance of VR programs. Focus is given to eligibility, service provision, and activities that impact employment outcomes. As a result of this process, the SRC adopts recommendations which are submitted to VR for consideration. These recommendations should inform the vocational rehabilitation priorities in the State Plan.
- **Comprehensive Statewide Needs Assessment:** To identify and assess the needs of individuals with disabilities, the SRC collaborates with VR on the Comprehensive Statewide Needs Assessment, which is completed annually and submitted to the Rehabilitation Services Administration every three years.
- **Consumer Satisfaction Surveys:** The SRC must be an integral partner with VR to assist in the development and dissemination of the Consumer Satisfaction Surveys. The Council should be given a written evaluation of those survey results and provide follow up feedback.
- **Policy Consultation:** The Council should have a significant role in the development, understanding and implementation of VR policies and procedures. Any significant policies that impact the consumer should be brought before the Council for discussion. VR should provide detailed information to the Council members on why the policy is needed, the implication of any change in a written policy, and reasoning if a policy is being deleted or amended.
- **Coordination and Participation:** The SRC actively engages with other councils and advisory bodies to enhance the number of individuals served. SRC members are encouraged to participate in work groups, public meetings, and stakeholder forums also.



# SRC Mission, Vision, Operating Principles and Goals

## Mission

Serving all citizens of Arizona, the mission of the Arizona Governor's State Rehabilitation Council is to advise, evaluate and partner with the public vocational rehabilitation program in support of improving access to employment and promoting a diverse workforce statewide.

## Vision

The Arizona Governor's State Rehabilitation Council envisions a statewide workforce that values disability and diversity and is committed to full participation of its citizens.

## Operating Principles

- Serve as an ally to the public vocational rehabilitation program in structuring and conducting business in ways that reflect the social, political, historical, and economical experiences of disability.
- Collaborate with state and other non-government agencies to promote competitive and integrated employment for everyone.
- Foster a broad definition of diversity that honors and appreciates disability alongside race, ethnicity, gender, sexual orientation, and religion as an integral part of human experience.
- Promote disability discourse, awareness and involvement, honor disability culture and pride.

## Goals

- Advise the Vocational Rehabilitation program in the development, implementation, evaluation, and review of innovative vocational rehabilitation services and programs.
- Support the development of public policy that improves opportunity for full participation for all citizens in the economic life of Arizona.
- Engage business and industry statewide in the creation of inclusive environments guided by the principles of universal design.
- Increase access and employment opportunities for people with disabilities through collaboration with outside agencies, councils, and community partners.
- Strengthen the VR program through collaboration on the development of human resource infrastructure.



# SRC Committees

## **Purpose**

Committees are formed around a function of the SRC. Each SRC member is expected to serve on at least one committee. Committees function in the same manner and under the same rules of order as the Full Council.

The nature of the committees' work will vary depending on the strategic direction of the SRC. The responsibilities of the committees are limited to developing recommendations to the Full Council in their areas of focus.

While standing committees must exist, the number and type of committees may vary depending on the needs of the Full Council.

## **Members**

The Council Chair assigns SRC members to committee responsibility and membership. Members are encouraged to express their committee assignment preference; however, the Chair will make appointments based on the needs of the Council. The Chair may also appoint community members, non-SRC members, to serve on committees. Community members are volunteers, who serve at the pleasure of the SRC Chair and are counted in quorum for the committee.

A good committee member commits to preparing for and attending meetings, has a good understanding of the organization; what the organization does and how the organization accomplishes work, is not afraid to ask questions, agrees to stick to the majority decision, understands the boundaries between overall SRC direction and personal preference, and supports fellow committee members and staff.

To work well, committees rely on the following: Members who understand their responsibilities and role, have the right mixture of skills, abilities, and experience, have a commitment to the aims and objectives of the organization, and have a sense of purpose, which translates into leadership.

## **Meetings**

Meetings of the committees are held in compliance with the Arizona Open Meeting Law and are staffed by Council staff provided by the Arizona Rehabilitation Services Administration. The Committee Chair is responsible for setting the time and place for meetings. Committee recommendations must be approved and implemented by the full SRC.

## **Current Committees**

### **Employment and Community Partnerships Committee**

This committee is focused on the employment of individuals with disabilities and the Arizona Rehabilitation Services Administration/Vocational Rehabilitation Program (AZRSA/VR). This committee advises RSA on the marketing of the VR program, and develops collaborative relationships with the community, advocacy groups, employers, and other councils as related to employment activities and initiatives.

### **Executive Committee**

This committee provides leadership to the SRC in furthering its mission, vision, and goals. It is composed of all SRC Committee Chairs. This committee monitors the AZRSA achievement related to the Federal Performance Measures, provides feedback and input into Corrective Action Plans, advises AZRSA on strategic plans and initiatives, and focuses on diversity efforts within AZRSA and SRC. This committee will follow up on any membership and/or recruitment efforts on behalf of the council.

### **Program Review Committee**

This committee is focused on the following issues as it relates to the competitive integrated employment of individuals with disabilities and the Rehabilitation Services Administration/Vocational Rehabilitation Program (RSA/VR): Youth and Transition services, the VR section of the Arizona State Workforce Development Plan, Client Satisfaction Survey data, the RSA Comprehensive System of Personnel Development, and RSA employee satisfaction.



# State Rehabilitation Council Bylaws

## Article I. Name

The name of this council shall be the State Rehabilitation Council, hereinafter referred to as the Council.

## Article II. Authority

Title I, Part A, Section 105 of the Rehabilitation Act of 1973, as amended.

## Article III. Purpose

The purpose of the State Rehabilitation Council (SRC) is:

- A. To review, analyze, and advise Arizona Rehabilitation Services Administration (RSA) regarding the performance of the responsibilities of the unit under Title I, particularly responsibilities relating to:
  1. Eligibility (including order of selection).
  2. The extent, scope and effectiveness of services provided.
  3. Functions performed by State Agencies that affect or that potentially affect the ability of individuals with disabilities in achieving rehabilitation goals and objectives under Title I
- B. In partnership with Arizona RSA:
  1. Develop, agree to, and review State goals and priorities in accordance with Title I; and
  2. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner in accordance with Title I.
- C. To advise DES and Arizona RSA regarding activities authorized to be carried out under this title, and assist in the preparation of the State plan and amendments to the plan, reports, needs assessments, and evaluations required by Title I.
- D. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:
  1. The functions performed by State Agencies and other public and private entities responsible for performing functions for individuals with disabilities.
  2. Vocational Rehabilitation services:
    - a. Provided, or paid for, from funds made available under the Rehabilitation Act or through other public or private sources; and
    - b. Provided by State Agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities.

3. Employment outcomes achieved by eligible individuals receiving services under this Title, including the availability of health and other employment benefits in connection with such employment outcomes.
- E. Prepare and submit an annual report to the Governor and the Commissioner on the status of Vocational Rehabilitation services operated within Arizona and make the report available to the public.
- F. Coordinate, advise, and develop working relationships with other councils within the state involved with the rehabilitation of individuals with disabilities including the Statewide Independent Living Council.

#### **Article IV. Membership**

- A. The Governor shall appoint all the members to the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. The council shall have a minimum of fifteen (15) members, and a maximum of twenty-seven (27) members.
- B. The Council shall include -
  1. At least one representative of the Statewide Independent Living Council.
  2. At least one representative of a Parent Training and Information Center.
  3. At least one representative of the Client Assistance Program (CAP).
  4. At least one Vocational Rehabilitation counselor, with knowledge of and experience with Vocational Rehabilitation Programs, who shall serve as an ex officio, non-voting member of the Council, if the counselor is an employee of RSA.
  5. At least one representative of Community Rehabilitation Program Service providers.
  6. Four representatives of business, industry, and labor.
  7. Representatives of disability advocacy groups representing a cross section of:
    - a. Individuals with physical, cognitive, sensory, and mental disabilities; and
    - b. Parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable, due to their disabilities, to represent themselves.
  8. 8Current or former applicants for or recipients of Vocational Rehabilitation services.
  9. The Administrator of RSA shall be an ex officio member of the Council.
  10. At least one representative of the Directors of the American Indian Vocational Rehabilitation Projects.
  11. At least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this title and under part B of the Individuals with Disabilities Education Act.
  12. At least one representative of the State Workforce Investment Board.
- C. A majority of Council members shall be persons who are:
  1. 1. Individuals with Disabilities
  2. Not employed by Arizona DES/RSA.
- D. The Council shall elect a Chairperson from among the membership of the Council.



- E. Each member of the Council shall serve for a term of three years except that
  - 1. A member appointed to fill a vacancy occurring prior to expiration of the term for which the predecessor was appointed, shall be appointed for the remainder of such terms.
  - 2. The terms of service of the members initially appointed shall be (as specified by the Governor) for such a fewer number of years as will provide for the expiration of terms on a staggered basis.
  - 3. There are no term limits for the representatives from CAP and the American Indian Vocational Rehabilitation Projects.
- F. No member of the Council may serve more than two consecutive full terms.
- G. Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.
- H. Any vacancy occurring on the Council shall be filled by the Governor with an individual who meets the requirements of Article IV.
- I. If a Council member misses three (3) consecutive Council and/or committee meetings within a calendar year, the Council may recommend to the Governor, at the discretion of the Executive Committee, the removal of that member from the Council.
- J. Council members shall notify Council Staff if the member cannot attend a council meeting. If it is determined that a quorum will not be present, the members will be notified.
- K. The representative of the Statewide Workforce Development Board (WDB) is a mandated Council member. The Council Vice-Chairperson is to collaborate with the Workforce Arizona Council State Executive Director and the Governor's office to maintain the WDB presence on the Council.

## **Article V. Duties and Responsibilities**

In addition to the duties and responsibilities described in the purpose of the Council in Article III, the following shall constitute the responsibilities of the Council:

- A. The Council shall
  - 1. Coordinate with other councils within the State, including the Statewide Independent Living Council, the advisory panel established under Section 612(a) (21) of the Individual with Disabilities Education, the State Mental Health Planning Council, and the State Workforce Development Board.
  - 2. Ensure that all regularly scheduled meetings of the Council are open to the public and adhere to Open Meeting Law mandates.
- B. The Council is authorized to hold such hearings and forums as the Council determines to be necessary to carry out the duties of Council.
- C. The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary to carry out the functions of the Council under the law, with funds made available under the Rehabilitation Act as amended, and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

1. To the extent that there is a disagreement between the Council and Arizona RSA regarding the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor.
  2. The Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.
  3. While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, which would create a conflict of interest.
- D. The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties.
- E. Perform such other functions, consistent with the purpose and as determined by the Council to be appropriate, that are comparable to the other functions performed by the Council.
- F. Officers and Their Duties.
1. The Chairperson shall:
    - a. Develop the agenda and preside at all meetings of the Council or in the absence of the Vice-chairperson, assign a designee from the Council to preside in their absence.
    - b. Be responsible for the general and active management of the business of the Council.
    - c. Convene regular and special meetings of the Council.
    - d. The Chairperson of the Council shall designate the chair of all committees.
    - e. Be the official spokesperson for the Council.
  2. The Vice-Chairperson shall:
    - a. Preside at all meetings of the Council not attended by the Chairperson.
    - b. Carry out the duties as may be assigned by the Chairperson or Council within these Bylaws to include acting as the official spokesperson for the Council when requested.
    - c. Act as coordinator for council membership recruitment and nominating activities.
  3. The Sergeant at Arms shall:
    - a. Preside at all meetings of the Council in the absence of the Chairperson and Vice-Chairperson.
    - b. Carry out the duties as may be assigned by the Chairperson or Council within these Bylaws to include acting as the official spokesperson for the Council when requested.
    - c. Act as Parliamentary Advisor for all Full Council meetings and ensure order and decorum.

G. Officers' Terms and Selection:

1. The officers of the Council shall be elected by a majority of the voting members and must be selected from among the Council's membership. The Chairperson and the Vice-Chairperson shall be elected for one- or two-year terms.
2. Officers may be re-nominated and re-elected to the same posts for no more than two consecutive terms.
3. A member of the Council appointed by the Chairperson shall conduct the election and, in the absence of a majority vote, run-off election. To assure an open election process, floor nominations will be accepted.  
In the event of a vacancy among the officers a member of the Council appointed by the Chairperson shall conduct an election and, in the absence of a majority vote, a runoff election for officer(s) to complete the unexpired term(s).

H. Duties of SRC Members:

1. Participation in committee meetings, including acceptance and completion of related assignments is expected of all SRC members.

**Article VI. Procedures**

The State Rehabilitation Council shall be conducted according to the Open Meeting Law, A.R.S. Title 38, Chapter 3, Article 3.1.

A. Quorum.

To conduct any official business, a quorum shall consist of fifty-one percent (51%) of the current Council membership.

B. Voting.

1. Each member shall have one vote.
2. All decisions shall be made by a majority vote of the members present.
3. All votes will be by voice unless there is a request by a member for a show of hands or for a roll call vote. Ex-officio members may not vote or present motions at Full Council meetings.

C. Meetings.

1. The Council shall convene a minimum of four meetings a year.
2. Council meeting time and location shall be specified by the Chairperson with input from Council members.
3. A special meeting of the Council may be called by the Chairperson, Vice-Chairperson, or when requested by one fifth of the Council membership. Members must receive notice of special meetings at least five (5) working days in advance of said meeting.

D. Agendas.

Agendas for Council meetings shall be developed by the Chairperson with the assistance of the Council staff. Council members, other agencies, groups, organizations, or individuals desiring to place items on the agenda must present those items and statements of their purpose to the Chairperson no less than ten working days before a scheduled meeting.

E. Minutes.

The Council shall designate Council staff to keep written minutes of all committees and Full Council meetings.

Minutes shall be kept of all Council and committee meetings. Minutes shall be maintained in the appropriate State Unit administrative office. Such minutes shall be made available to the public upon request. Meetings shall be recorded and the tapes of said meetings shall be destroyed one year after the date of the meeting.

F. Conflict of Interest.

Council members are prohibited from deciding or participating in any manner in the decision regarding a matter in which they have a prohibited interest (i.e., conflict of interest). A Council member will have a prohibited interest when, in the course of their duties, they could perform an act or make a decision in their official capacity which might substantially affect the economic interest of either themselves or the individual agency or organization they represent or otherwise give the appearance of a conflict of interest under State law. This is exclusive of other agencies/organizations of similar purpose. A conflict of interest is defined by A.R.S. 38-501 through 511.

G. Public Comment

The opportunity for public comment shall be provided on each agenda.

H. Rules of order

In questions of parliamentary procedure, Rosenberg's Rules of Order shall govern the business conducted in all cases in which they are applicable and not in conflict with these Bylaws.

I. Compensation for services - None.

J. RSA Staff

When contacting Arizona RSA staff, SRC members will coordinate such contacts through the committee Chairperson and Council staff if a request is being made which will require RSA staff time to research an issue, prepare/gather material, or produce a written product.

## **Article VII. Committees**

The Council shall establish and define the committee purposes, responsibilities, and objectives.

The following standing committees shall be established:

- A. The Executive Committee shall include the officers of the Council, the Chair of each standing committee, and the immediate past Chair of the Council if still an appointed member of the Council. The responsibilities of the Executive Committee shall include:
1. Oversee and provide direction to the committees of the Council and serve as a gatekeeper, bringing matters needing attention to the full Council for consideration.
  2. Responsibility for financial management and for serving as the resource committee.
  3. Act in emergencies in place of the Full Council. A report of any actions taken by the Executive Committee shall be made at the next Council meeting. Any actions not previously authorized by the Council must be ratified by the Council.

4. Availability to consult with Arizona RSA Administrator on issues of personnel management, i.e., review of the job description, the hiring process, and performance of Council Staff.
  5. Preparation of a slate of nominees for Council officers and management of the election process.
  6. Recruitment and maintenance of a list of interested eligible individuals whose names may be submitted to the Governor for consideration at future Council appointments.
  7. Development and maintenance of a Membership Manual and Annual New Member Orientation Training.
  8. The election of officers shall take place at the August meeting and the newly elected officers will assume their responsibilities on October 1st.
- B. SRC committees can include individuals from the community who are not appointed members of SRC. Interested members of the community may participate on committees as voting members with approval of the SRC Chairperson.
1. Membership on a committee will require a commitment of time, in addition to attend committee meetings. Committee members should expect to receive assignments and spend the necessary time to meet deadlines.
  2. Community members serve at the pleasure of the Council.

### **Article VIII. Amendments**

These Bylaws may be amended at any regularly scheduled meeting of the Full Council by a two-thirds vote of the current membership, provided that the amendment has been submitted in writing to each member of the Council prior to the next council meeting. The amendment shall be voted on at the following council meeting, provided that the amendment is not in conflict with any applicable state and federal laws and regulations.



# Open Meeting Law 101: 'Arizona's Open Meeting Law in a Nutshell'

## Two core concepts

"All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." A.R.S § 38-431.01(A)

"It is the public policy of this state that meetings of public bodies be conducted openly, and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided." A.R.S. § 38-431.09.

## Why do we have an Open Meeting Law?

1. To protect the public.
  - a. To avoid decision-making in secret.
  - b. To promote accountability by encouraging public officials to act responsively and responsibly.
2. To protect public officials.
  - a. To avoid being excluded (notice).
  - b. To prepare and avoid being blindsided (agenda).
  - c. To accurately memorialize what happened (minutes).
3. Maintain Integrity of government.
4. Better informed citizenry.
5. Build trust between government and citizenry

## What constitutes a meeting?

A meeting is a gathering, in person or through technological devices of a quorum of a public body at which they discuss, propose, or take legal action, including deliberations. A.R.S. § 38-431(4). This includes telephone and e-mail communications.

## Who must comply with Open Meeting Law?

Public bodies. "Public body" means the legislature, all boards, and commissions of this state or political subdivisions, all multi member governing bodies of departments, agencies, institutions, and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. A.R.S. § 38-431(6). "Advisory committee" or "subcommittee"

means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body. A.R.S. § 38-431(1).

## What is Required Under the Open Meeting Law?

### 1. Notice

The open meeting law requires at least 24 hours' notice to the members of the public body and the general public. A.R.S. § 38-431.02(C). Notice must be posted in the public place identified in the disclosure statement and by giving additional notice as is reasonable and practicable. A.R.S. § 38-431.02(A).

### 2. Agenda

Agendas must contain information reasonably necessary to inform the public of the matters to be discussed or decided. A.R.S. § 38-431.09. Agendas must be available at least 24 hours before the meeting. A.R.S. § 38-431.02(G).

### 3. Public's Rights

The public has a right to:

- Attend
- Listen
- Tape record
- Videotape

Public has **no** right to:

- Speak
- Disrupt

### 4. Calls to the Public

An open call to the public is an agenda item that allows the public to address the public body on topics of concern within the public body's jurisdiction, even though the topic is not specifically included on the agenda. Ariz. Attorney Gen. Op. 199-006.

Although the Open Meeting Law permits the public to attend public meetings, it does not require public participation in the public body's discussions and deliberations and does not require a public body to include an open call to the public on the agenda. See Ariz. Attorney Gen. Op. No. 178-001.

An individual public officer may respond to criticism, ask staff to review an item or ask that an item be placed on a future agenda, but he or she may not dialogue with the presenter or collectively discuss, consider, or decide an item that is not listed on the agenda. A.R.S. § 38-431.01(H); Ariz. Attorney Gen. Op. 199-006. Note that individual members of the public body may respond to criticism by individuals who addressed the public body during the call to the public, but the public body may not collectively discuss or act on the complaint unless the matter is specifically listed on the agenda. A.R.S. § 38-431.01(H).



Public bodies may impose reasonable time, place, and manner restrictions on speakers. Restrictions must be narrowly tailored to affect a compelling state interest and may not be content based. Ariz. Attorney Gen. Op. 199-006. A member of the public body may not knowingly direct a staff member to communicate in violation of the Open Meeting Law. A.R.S. 38-431.01(I).

In sum:

- Calls to the public are permitted, but not required.
- Should be added as an agenda item.
- Public body may limit the speaker's time.
- Public body may require speakers on the same side with no new comments to select a spokesperson.
- Public body may set ground rules: civility, language, and treat everyone the same.

#### 5. Minutes (A.R.S. § 38-431.01(B))

Public bodies must take meeting minutes of all meetings, including executive sessions. May be recorded or written.

Must include:

- Date, time, and place of meeting.
- Names of members of the public body present or absent.
- A general description of matters considered; and
- An accurate description of all legal actions proposed, discussed, or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements, or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

The minutes or a recording must be open for public inspection no later than three working days after the meeting, except as otherwise provided in the statute. A.R.S. § 38-431.01(D). How long meeting minutes are maintained is determined by the public body's record retention and destruction schedule authorized by Arizona Library and Archives.

Persons in attendance may record any portion of a public meeting if the recording does not actively interfere with the meeting. Acceptable recording equipment includes tape recorders, cameras, or other means of reproduction. A.R.S. § 38-431.01(F).

#### 6. Executive Sessions

Public bodies may hold private executive sessions under a few limited circumstances. In executive sessions, the public is not allowed to attend or listen to the discussions, and the public body is not permitted to take final action. A.R.S. § 38-431.03(D). Members of the public body may not vote or take a poll in executive sessions. A.R.S. § 38-431.03(D).

There are seven authorized topics for executive sessions:

1. Personnel (must provide 24 hours written notice to employee).
2. Discussion or consideration of records exempt by law from public inspection.
3. Legal advice – with the public body's own lawyer(s).



4. Discussion or consultation with a public body's lawyer(s) to consider pending or contemplated litigation, settlement discussions, negotiated contracts.
5. Discuss and instruct its representative regarding labor negotiations.
6. Discuss international, interstate, and tribal negotiations.
7. Purchase, sale, or lease of real property.

#### Notice and Agenda:

Agendas for executive sessions may describe the matters to be discussed more generally than agendas for public meetings to preserve confidentiality or to prevent compromising the attorney-client privilege if it is necessary. A.R.S. § 38-431.02(I). Nonetheless, the agenda must provide more than a recital of the statute that authorizes the executive session.

#### Minutes:

Minutes taken in an executive session must include the items listed above in addition to any other matters found to be appropriate by the public body. A.R.S. §§ 38-431.01(B), (C), (D) and -431.03(B)).

Public bodies must take meeting minutes of all meetings, including executive sessions. May be recorded or written, keeping in mind that permanent records must be on paper.

#### Public session meeting minutes must include:

- Date, time, and place of meeting.
- Names of members of the public body present or absent.
- A general description of matters considered; and
- An accurate description of all legal actions proposed, discussed, or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements, or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

#### Executive session minutes must include:

- Date, time, and place of meeting.
- Names of members of the public body present or absent.
- A general description of matters discussed.
- An accurate description of all institutions given; and
- Such other matters may be deemed appropriate by the public body.

The minutes or a recording of the public session must be open for public inspection no later than three working days after the meeting, except as otherwise provided in statute. A.R.S. § 38-431.01 (D).

Cities and towns with a population of more than 2,500 persons must post approved city and town council minutes on its website within two working days following approval. A.R.S. § 38-431.01 (E)(2).

Minutes of executive sessions must be kept confidential except from certain individuals. A.R.S. § 38-431.01 (B).

How long meeting minutes are maintained is determined by the public body's record retention and destruction schedule authorized by Arizona State Library and Archives.

Persons in attendance may record any portion of a public meeting, as long as the recording does not actively interfere with the meeting. Acceptable recording equipment includes tape recorders, cameras, or other means of reproduction. A.R.S. § 38-431.01 (F).

## 7. Where to turn for help

Self-help resources available:

The Arizona Ombudsman – Citizens' Aide handbook – The Arizona Open Meeting Law (available online at [www.azoca.gov](http://www.azoca.gov) under open meetings/publication)The Arizona Ombudsman's website, [www.azoca.gov](http://www.azoca.gov)Arizona Agency Handbook, Chapter 7, [www.azag.gov](http://www.azag.gov)– Quick LinksAttorney General Opinions – [www.azag.gov](http://www.azag.gov)– Quick Links Questions/

File a complaint: Arizona Ombudsman-Citizen's Aide (602) 277-7292

File a complaint/Enforcement authority Attorney General's Open Meeting Law Enforcement Team (602) 542-5025 County Attorney's Office

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<sup>1</sup> Liz Hill, "Open Meeting Law 101", Arizona Ombudsman Citizen's Aide, Last Revised August 2010, <https://www.azoca.gov/open-meeting-and-public-records-law/open-meetings/>



# Rosenberg's Rules of Order

## Parliamentary Procedure

- Establish order
- Courtesy and decorum
- Rules should be clear
- Should be user friendly
- Facilitate decision-making
- Ensure majority rule and protect the rights of the minority

## Motions

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

It is necessary to inform the public of the matters to be discussed or decided.

A.R.S. § 38-431.09

(If it is not on the agenda as an action item, a motion on that issue is not in order.)

## Three Most Common Motions

- The Basic Motion
  - The basic motion is the one that puts forward a decision for the body's consideration.
- The Motion to Amend
- The Substitute Motion

There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

## The Chair Usually Initiates the Motion

- Inviting the members of the body to make a motion. "A motion at this time would be in order."
- Suggesting a motion to the members of the body. "A motion would be in order that we give 10 days' notice in the future..."
- Making the motion. Chair has the right as a member of the body to make a motion.

## **Making a Motion**

- First, the Chair should recognize the member of the body.
- Second, the member of the body makes a motion by preceding the member's desired approach with the words: "I move..."
  - "I move that we give 10 days' notice in the future for all our meetings."

## **Seconding a Motion**

- The Chair announces the name of the member of the body who makes the motion.
- Chair should determine if any member of the body wishes to second the motion.
  - (It is normally good practice for a motion to require a second. However, a second is not an absolute requirement. This is a matter to the discretion of the Chair.)

## **"Friendly Amendment"**

- In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members.
- The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor.

## **Understanding a Motion**

Chair should make sure everyone understands the motion. This is done in one of three ways:

- The Chair can ask the maker of the motion to repeat it.
- The Chair can repeat the motion.
- The Chair can ask the secretary or the clerk of the body to repeat the motion.

## **Discussion on a Motion**

- The basic rule of motions is that they are subject to discussion and debate.
- The debate can continue if members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and act.

## **Exceptions to the Rule of Free and Open Debate**

- A motion to adjourn
- A motion to recess
- A motion to limit debate
- A motion to table

## Interrupting the Speaker

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

- “point of privilege”
- “point of order”
- “call for orders of the day”
- “withdraw a motion”
- “appeal”

## Voting a Motion

- A simple majority vote determines a question
- The Chair announces the outcome of the vote
- The Chair should announce the result of the vote and should announce what action (if any) the body has taken
- A tie vote means the motion fails. So, in a 7-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

## Simple Majority Exceptions

These extraordinary motions require a 2-3 majority (a super-majority) to pass:

- Motion to limit debate
- Motion to close nominations
- The motion to reconsider
- Motion to suspend the rules
- When required by the bylaws

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<sup>2</sup> “Rosenburg’s Rules of Order: Simple Rules for Parliamentary Procedure for the 21st Century”, Revised 2011, [https://www.cacities.org/Resources/Open-Government/RosenbergText\\_2011.aspx](https://www.cacities.org/Resources/Open-Government/RosenbergText_2011.aspx)



# Workforce Innovation and Opportunity Act (WIOA) Regulations

## State Rehabilitation Council

§361.16 Establishment of an independent commission or a State Rehabilitation Council.

(a) General requirement. Except as provided in paragraph (b) of this section, the vocational rehabilitation services portion of the Unified or Combined State Plan must contain one of the following two assurances:

(1) An assurance that the designated State agency is an independent State commission that—

(i) Is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State and is primarily concerned with vocational rehabilitation or vocational and other rehabilitation services, in accordance with §361.13(a)(1)(i).

(ii) Is consumer-controlled by persons who—

(A) Are individuals with physical or mental impairments that substantially limit major life activities; and

(B) Represent individuals with a broad range of disabilities, unless the designated State unit under the direction of the commission is the State agency for individuals who are blind;

(iii) Includes family members, advocates, or other representatives of individuals with mental impairments; and (iv) Conducts the functions identified in §361.17(h)(4).

(2) An assurance that— (i) The State has established a State Rehabilitation Council (Council) that meets the requirements of §361.17.

(ii) The designated State unit, in accordance with §361.29, jointly develops, agrees to, and reviews annually State goals and priorities and jointly submits to the Secretary annual reports of progress with the Council.

(iii) The designated State unit regularly consults with the Council regarding the development, implementation, and revision of State policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services.

(iv) The designated State unit transmits to the Council—

(A) All plans, reports, and other information required under this part to be submitted to the Secretary.

(B) All policies and information on all practices and procedures of general applicability provided to or used by rehabilitation personnel providing vocational rehabilitation services under this part; and

(C) Copies of due process hearing decisions issued under this part and transmitted in a manner to ensure that the identity of the participants in the hearings is kept confidential; and

(v) The vocational rehabilitation services portion of the Unified or Combined State

Plan, and any revision to the vocational rehabilitation services portion of the Unified or Combined State Plan, includes a summary of input provided by the Council, including recommendations from the annual report of the Council, the review and analysis of consumer satisfaction described in §361.17(h)(4), and other reports prepared by the Council, and the designated State unit's response to the input and recommendations, including its reasons for rejecting any input or recommendation of the Council.

(b) Exception for separate State agency for individuals who are blind. In the case of a State that designates a separate State agency under §361.13(a)(3) to administer the part of the vocational rehabilitation services portion of the Unified or Combined State Plan under which vocational rehabilitation services are provided to individuals who are blind, the State must either establish a separate State Rehabilitation Council for each agency that does not meet the requirements in paragraph (a)(1) of this section or establish one State Rehabilitation Council for both agencies if neither agency meets the requirements of paragraph (a)(1) of this section. (Approved by the Office of Management and Budget under control number 1205-0522) (Authority: Sections 101(a)(21) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 721(a)(21)) §361.17.

Requirements for a State Rehabilitation Council. If the State has established a Council under §361.16(a)(2) or (b), the Council must meet the following requirements:

(a) Appointment.

(1) The members of the Council must be appointed by the Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this part in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity.

(2) The appointing authority must select members of the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority must consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

(b) Composition.

(1) General. Except as provided in paragraph (b)(3) of this section, the Council must be composed of at least 15 members, including—

(i) At least one representative of the Statewide Independent Living Council, who must be the chairperson or other designee of the Statewide Independent Living Council.

(ii) At least one representative of a parent training and information center established pursuant to section 682(a) of the Individuals with Disabilities Education Act.

(iii) At least one representative of the Client Assistance Program established under part 370 of this chapter, who must be the director of, or another individual recommended by the Client Assistance Program.

(iv) At least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs who serves as an ex officio, non-voting member of the Council if employed by the designated State agency.

(v) At least one representative of community rehabilitation program service providers.

(vi) Four representatives of business, industry, and labor.

- (vii) Representatives of disability groups that include a cross section of—
    - (A) Individuals with physical, cognitive, sensory, and mental disabilities; and
    - (B) Representatives of individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves.
  - (viii) Current or former applicants for, or recipients of, vocational rehabilitation services.
  - (ix) In a State in which one or more projects are funded under section 121 of the Act (American Indian Vocational Rehabilitation Services), at least one representative of the directors of the projects in such State.
  - (x) At least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this part and part B of the Individuals with Disabilities Education Act.
  - (xi) At least one representative of the State workforce development board; and
  - (xii) The director of the designated State unit as an ex officio, non-voting member of the Council.
- (2) Employees of the designated State agency. Employees of the designated State agency may serve only as non-voting members of the Council. This provision does not apply to the representative appointed pursuant to paragraph (b)(1)(iii) of this section.
- (3) Composition of a separate Council for a separate State agency for individuals who are blind. Except as provided in paragraph (b)(4) of this section, if the State establishes a separate Council for a separate State agency for individuals who are blind, that Council must—
- (i) Conform with all the composition requirements for a Council under paragraph (b)(1) of this section, except the requirements in paragraph (b)(1)(vii), unless the exception in paragraph (b)(4) of this section applies; and
  - (ii) Include—
    - (A) At least one representative of a disability advocacy group representing individuals who are blind; and
    - (B) At least one representative of an individual who is blind, has multiple disabilities, and has difficulty representing himself or herself or is unable due to disabilities to represent himself or herself.
- (4) Exception. If State law in effect on October 29, 1992 requires a separate Council under paragraph (b)(3) of this section to have fewer than 15 members, the separate Council is in compliance with the composition requirements in paragraphs (b)(1)(vi) and (b)(1)(viii) of this section if it includes at least one representative who meets the requirements for each of those paragraphs. (c)
- Majority. (1) A majority of the Council members must be individuals with disabilities who meet the requirements of §361.5(c)(28) and are not employed by the designated State unit.
- (2) In the case of a separate Council established under §361.16(b), a majority of the Council members must be individuals who are blind and are not employed by the designated State unit.
- (d) Chairperson.



- (1) The chairperson must be selected by the members of the Council from among the voting members of the Council, subject to the veto power of the Governor; or
  - (2) In States in which the Governor does not have veto power pursuant to State law, the appointing authority described in paragraph (a)(1) of this section must designate a member of the Council to serve as the chairperson of the Council or must require the Council to designate a member to serve as chairperson.
- (e) Terms of appointment.
- (1) Each member of the Council must be appointed for a term of no more than three years, and each member of the Council, other than a representative identified in paragraph (b)(1)(iii) or (ix) of this section, may serve for no more than two consecutive full terms.
  - (2) A member appointed to fill a vacancy occurring prior to the end of the term for which the predecessor was appointed must be appointed for the remainder of the predecessor's term.
  - (3) The terms of service of the members initially appointed must be, as specified by the appointing authority as described in paragraph (a)(1) of this section, for varied numbers of years to ensure that terms expire on a staggered basis.
- (f) Vacancies.
- (1) A vacancy in the membership of the Council must be filled in the same manner as the original appointment, except the appointing authority as described in paragraph (a)(1) of this section may delegate the authority to fill that vacancy to the remaining members of the Council after making the original appointment.
  - (2) No vacancy affects the power of the remaining members to execute the duties of the Council.
- (g) Conflict of interest. No member of the Council may cast a vote on any matter that would provide direct financial benefit to the member or the member's organization or otherwise give the appearance of a conflict of interest under State law.
- (h) Functions. The Council must, after consulting with the State workforce development board—
- (1) Review, analyze, and advise the designated State unit regarding the performance of the State unit's responsibilities under this part, particularly responsibilities related to—
    - (i) Eligibility, including order of selection.
    - (ii) The extent, scope, and effectiveness of services provided; and
    - (iii) Functions performed by State agencies that affect or potentially affect the ability of individuals with disabilities in achieving employment outcomes under this part.
  - (2) In partnership with the designated State unit—
    - (i) Develop, agree to, and review State goals and priorities in accordance with §361.29(c); and
    - (ii) Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary in accordance with §361.29(e).
  - (3) Advise the designated State agency and the designated State unit regarding activities carried out under this part and assist in the preparation of the vocational rehabilitation services portion of the Unified or Combined State Plan and amendments to the plan,

applications, reports, needs assessments, and evaluations required by this part.

(4) To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with—

(i) The functions performed by the designated State agency.

(ii) The vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under the Act; and

(iii) The employment outcomes achieved by eligible individuals receiving services under this part, including the availability of health and other employment benefits in connection with those employment outcomes.

(5) Prepare and submit to the Governor and to the Secretary no later than 90 days after the end of the Federal fiscal year an annual report on the status of vocational rehabilitation programs operated within the State and make the report available to the public through appropriate modes of communication.

(6) To avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council established under chapter 1, title VII of the Act, the advisory panel established under section 612(a)(21) of the Individuals with Disabilities Education Act, the State Developmental Disabilities Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, the State mental health planning council established under section 1914(a) of the Public Health Service Act, and the State workforce development board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998;

(7) Provide for coordination and the establishment of working relationships between the designated State agency and the Statewide Independent Living Council and centers for independent living within the State; and

(8) Perform other comparable functions, consistent with the purpose of this part, as the Council determines to be appropriate, that are comparable to the other functions performed by the Council.

(i) Resources.

(1) The Council, in conjunction with the designated State unit, must prepare a plan for the provision of resources, including staff and other personnel, that may be necessary and sufficient for the Council to carry out its functions under this part.

(2) The resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

(3) Any disagreements between the designated State unit and the Council regarding the number of resources necessary to carry out the functions of the Council must be resolved by the Governor, consistent with paragraphs (i)(1) and (2) of this section.

(4) The Council must, consistent with State law, supervise and evaluate the staff and personnel that are necessary to carry out its functions.

(5) Those staff and personnel that are assisting the Council in carrying out its functions may not be assigned duties by the designated State unit or any other agency or office of the

State that would create a conflict of interest.

(j) Meetings. The Council must—

(1) Convene at least four meetings a year in locations determined by the Council to be necessary to conduct Council business. The meetings must be announced, open, and accessible to the general public, including individuals with disabilities, unless there is a valid reason for an executive session; and

(2) Conduct forums or hearings, as appropriate, that are announced, open, and accessible to the public, including individuals with disabilities.

(k) Compensation. Funds appropriated under title I of the Act, except funds to carry out sections 112 and 121 of the Act, may be used to compensate and reimburse the expenses of Council members in accordance with section 105(g) of the Act. (Approved by the Office of Management and Budget under control number 1205-0522) (Authority: Section 105 of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 725



## Additional Resources

Arizona Vocational Rehabilitation Program:

<https://des.az.gov/services/employment/rehabilitation-services/vocational-rehabilitation>

Arizona State Rehabilitation Council:

<https://des.az.gov/arizona-state-rehabilitation-council-src>

National Coalition of State Rehabilitation Councils: <https://ncsrc.net/>



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