



UTAH SUBSTANCE USE AND MENTAL HEALTH ADVISORY COUNCIL BY-LAWS

Article I – Name

The name of this body shall be the Utah Substance Use and Mental Health Advisory Council.

Article II – Purpose and Scope

1. The purpose, duties, power, responsibilities, authority, and organization of the Utah Substance Use and Mental Health Advisory Council shall be in accordance with Utah Code Annotated Title 63M, Chapter 7, Part 3 and other applicable Utah law.
2. These by-laws supplement applicable law and where inconsistent with Utah law, Utah law shall take precedence.

Article III – Leadership

1. The Council shall elect a chairperson and a vice-chairperson from its membership. They shall be elected by a majority of those present at the annual meeting and shall serve for a term of two year (renewable).
2. A vacancy in the office of chairperson or vice-chairperson shall be filled for the remainder of the unexpired term by a member of the Council elected by a majority of the Council members presents at the next Council meeting.

Article IV – Duties of Leadership

1. The chairperson shall preside at and conduct all meetings of the Council.
2. The vice-chairperson shall act as assistant to the chairperson and perform such duties as may be assigned by the chairperson and shall possess all the powers and perform all the duties of the chairperson in the absence or disability of that officer to act.
3. Both officers shall perform the duties prescribed in the parliamentary authority in addition to those outlined in these by-laws.
4. The chairperson shall have power to direct activities of staff and to make emergency decisions on behalf of the Council. Such decisions shall be subject to review at the next Council meeting.

Article V – Memberships

1. In the event a member of the Council, who does not hold an ex-officio position, misses three consecutive meetings, the Council shall report non-attendance and request the appointing authority that the member be replaced.
2. If an appointed member ceases to meet the qualifications of the appointed or accepts another position which creates a conflict of interest, his or her membership will terminate immediately and the appointing authority shall appoint a replacement to fill the unexpired term

Article VI – Meetings

1. The Council shall meet 4 times a year, or as the chairperson deems necessary, or upon the request of any member of the Council. Reasonable notice of the agenda, date, time, and place of such meetings shall be given.

2. All regular meetings of the Council are open to the public unless closed pursuant to the provisions of the Open and Public Meeting act, Title 52, Chapter 4, Part 2 Utah Code Annotated, .
3. The rules promulgated in Utah Administrative Code R356-3, as applicable to matters of CCJJ, shall also apply to electronic meetings of the Council.

Article VII – Quorum and Voting

1. A majority of the members of the Council constitutes a quorum for the transaction of business by the Council. A quorum must be present at a regular meeting for Council business to be voted upon. Council business may be transacted by a majority vote.
2. Each member present at any meeting of the Council shall be entitled to one vote. There shall be no voting by proxy at any meetings of the Council or any committees thereof. If a Council member must miss a meeting, the member may participate and vote by means of telephone conference, electronic participation, or a delegate may be sent. Delegates are not entitled to vote or make motions, but may participate in the discussion.
3. Members of the Council may take a personal position contrary to a vote or position taken by the Council and may communicate that position as needed. A member may not represent their personal position as the position of the Council or as representative/member of the Council.
4. Abstentions:
 - a. Abstaining is a refusal to vote. Therefore, it is not counted as support or opposition to the motion. Instead, a majority of the non-abstaining members carries a motion, subject to the exception in (4)(b).
 - b. If the abstaining votes outnumber the votes in support of any motion, the motion fails. The Council should consider an alternate motion that may garner more support.
 - c. Abstentions do not impact the count for a quorum.

Article VIII – Committees

1. The Council may create an executive committee as deemed necessary.
2. Special ad hoc committees may be created by the Council to serve for a specified period of time. Non-Council members may serve on these committees as deemed appropriate.
3. Advisory committees related to any aspect of sentencing may be established within the Council. Non-Council members may serve on these committees as deemed appropriate.

Article VIII – Parliamentary Authority

Simple parliamentary procedures adopted by the Council shall govern the Council and its committees in all cases in which they are applicable and in which they are not in conflict with these by-laws.

Article IX – Amendments

Proposed changes to the by-laws may be presented at any regular meeting of the Council and must be approved by the majority vote of the members present at such a meeting. Formal, proposed amendments to the by-laws must be submitted in writing to all members of the Council not less than seven (7) days in advance of the next regular meeting, at which time a two-thirds vote of the members present is required for the adoption of the amendment. Amendments become effective immediately upon ratification.