

11/17/03

MINNESOTA FAMILY SUPPORT AND RECOVERY COUNCIL  
CONSTITUTION

(As updated October, 2003)

PREAMBLE

In recognition of their responsibility to equitably administer and enforce the welfare laws of the State of Minnesota, county and state human services officials do hereby join together to establish the Minnesota Family Support and Recovery Council for the purpose of studying, developing and recommending common practices and policies for the efficient administration and enforcement of public family support programs.

ARTICLE I

The name of this organization shall be the Minnesota Family Support and Recovery Council.

ARTICLE II

This organization shall be a voluntary association that may be financed through dues established by the board and by contributions made by concerned individuals, organizations and governmental units.

ARTICLE III

Membership in the council shall be extended to all of the following individuals or

groups concerned with family support programs:

- Minnesota County Attorneys and staff;
- Minnesota County Commissioners;
- Minnesota County Welfare Board Members, directors and staff;
- Minnesota County Probation Officials;
- Minnesota Department of Human Services Commissioner and staff;
- Minnesota Attorney General, deputies, assistants and staff;
- Minnesota Fraud Investigators Association;
- Minnesota Law Enforcement Officers;
- Minnesota County Recovery Association.

Other Minnesota individuals or organizations supportive of the declared objects and purposes of our council as set forth in Article I of these by-laws.

Each member of the council shall be entitled to one vote in the conduct of business and affairs of the council unless otherwise specified in the by-laws of the council.

ARTICLE IV

The board of directors, upon the recommendation of the membership committee may establish other classes of voting and non-voting membership.

ARTICLE V

The council, at its annual conference, shall elect from its membership in a manner as prescribed in the by-laws, officers and directors to manage the affairs of the council.

If the council's annual conference is cancelled or delayed beyond the expiration of the terms of the elected officers and directors, voting may be conducted through

electronic voting or mail-in ballots as determined by the board of directors. The

officers of the council shall be a chairperson, first vice chairperson, second vice chairperson, immediate past chairperson, secretary and treasurer, each to serve a

term of one-year or until a successor is duly elected or qualified. The remainder of the board shall consist of 27 directors, as set forth in the by-laws, each to serve a

two-year term or until a qualified successor is duly elected or appointed. Officers of the council excluding the treasurer and secretary may not succeed themselves in any

one office. The officers and directors shall have the power and duties as specified in the by-laws of the council.

ARTICLE VI

The council shall have three standing committees: membership, conferences, and nominating. The chairperson may from time to time establish additional committees

and designate their membership with the approval of the board of directors. All committees shall cease to exist at the same time as their appointing authority.

#### ARTICLE VII

The constitution may be amended, altered, or repealed in the following manner:

a. A new article or amendment may be proposed by any member to the board in writing 60 days before the annual meeting. Said proposed article or amendment shall be sent to the general membership 30 days before the annual meeting.

b. By a vote of 2/3rds of the members present and voting, such article or amendment shall be adopted.

#### ARTICLE VIII

The council shall operate on a fiscal year running from January 1 until December 31 of the following calendar years.

#### ARTICLE IX

This council may be dissolved by the vote of 3/4ths of its active members. In the event of dissolution, the assets of the council shall be distributed to a non-profit agency or association concerned with child support enforcement or welfare fraud prevention.

#### ARTICLE X

The State of Minnesota shall be divided into eight regional districts according to the regional district map attached hereto and made a part of this constitution. As near as possible each region will have an equal number of child support and fraud staff employed with the exception that no individual county be divided into more than one region. The regions will be redistricted and regional boundaries redefined every five years by resolution of the board of directors as is necessary to maintain this equality of per capita size.

MINNESOTA FAMILY SUPPORT AND RECOVERY COUNCIL  
BY-LAWS

(As amended September, 1991)

ARTICLE I

OBJECTS AND PURPOSES

Section 1. Objects. The basic concept of the council is that county and state human service officials who have responsibility for the administration and enforcement of human service programs in the State of Minnesota should exercise initiative and leadership for the improvement and betterment of family support and recovery programs so as to be responsive to the needs of qualified recipients and accountable to the taxpayers who provide financial support for these programs.

Section 2. Purposes. The purposes of the council shall include but are not limited to the following:

Subd. 1. Encourage the improvement of the administration of family support and recovery programs through the diligent enforcement of state and federal laws.

Subd. 2. Provide ways and means whereby state and county human service officials and related organizations may interchange information, ideas and experiences, and obtain expert advice.

Subd. 3. Secure the cooperation of the federal, state and county units of government to study family support and recovery problems and devise methods that will improve and standardize enforcement policies and procedures.

Subd. 4. Provide government officials at all levels and the general public with information regarding methods for improving family support and recovery programs.

Subd. 5. Develop, promote and conduct educational training programs and conferences for the purpose of informing state and county human service

officials of the latest techniques, procedures and practices in family support and recovery programs.

Subd. 6. Develop and promote interjurisdictional agreements and arrangements for jointly providing more comprehensive approaches to family support and recovery programs.

ARTICLE II

MEMBERSHIP AND DUES

Section 1. Eligibility. Membership in the council is available to any eligible official or other individual or organization as hereinafter defined in Section 2 who indicates a willingness to cooperate and support the work of the council and upon payment of any annual or special assessment as may from time to time be specified by resolution of the board of directors.

Section 2. Classes of Membership. The council shall have two classes of membership. The designation of such classes and qualifications of the members of such classes shall be as follows:

Subd. 1. Regular Members. Persons eligible for regular membership shall include:

- a. Minnesota County Attorneys, assistant county attorneys and staff.
- b. Minnesota County Commissioners.
- c. Minnesota County Welfare Board Members, human service boards, social service offices, directors and staff.
- d. Minnesota County Probation Officials.
- e. Minnesota Department of Human Services, Commissioners and staff.
- f. Minnesota Attorney General, deputies, assistants and staff.
- g. Minnesota Law Enforcement Officers, judges and law clerks.
- h. Minnesota County Recovery Association.
- i. Other employees of federal, state or county government supportive of the declared objects and purposes of the council as set forth in Article I of these by-laws.

Subd. 2. Affiliate Members. The board of directors may, upon written recommendation of the membership committee, recognize an individual as an affiliate member of the council. The membership committee may require for affiliate members such conditions as to activities, membership and finances as it deems appropriate. In no event shall affiliate members have voting privileges or advocate legislative or other policies of the council unless authorized by the board of directors.

Section 3. Dues. The board of directors may establish an annual membership dues schedule for both regular and affiliate members.

### ARTICLE III

#### BOARD OF DIRECTORS

Section 1. General Powers. The board of directors shall have all powers necessary to carry out effectively the management, business and affairs of the council and such other powers as are necessary and in Article I, Section 2, of these by-laws.

Section 2. Board of Directors. There shall be organized a board of directors to consist of the six officers of the council, 20 elected directors who shall be elected by the regular membership at the annual conference in a manner as prescribed in the by-laws and seven appointed directors. Elected directors shall be regular members of the council.

Section 3. Voting. Each director of the board and officer shall be entitled to one vote. There shall be no proxy voting. All motions shall carry by a simple majority unless otherwise specified in these by-laws.

Subd. 1 ELECTRONIC MAIL POLLING. The executive committee may authorize the secretary to poll all members of the board by electronic mail, "e-mail". The affirmative response of at least 16 members of the board shall be required for the response to constitute the action of the board. In the event a member of the board of directors has not provided the secretary with an "e-mail address that member shall be contacted by the secretary by

phone. The poll shall not be complete, and the action shall not be effective, until phone contact has been made and the vote of members not providing "e-mail" addresses obtained. The secretaries shall record the response of such poll as part of the minutes of the board including any required phone vote.

Section 4. Regular Meetings. The board of directors may provide by resolution the time, place, either within or without the State of Minnesota, for holding regular meetings of the board. Unless otherwise specified by resolution of the board, the board shall meet three times yearly and at such other time at the call of the chairperson upon ten days written notice.

Section 5. Quorum. Sixteen members of the board of directors shall constitute a quorum for the transaction of business at any meeting of the board.

Section 6. Manner of Acting. The act of a majority of the officers and directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by these by-laws.

Section 7. Determination of Council Policy. Unless otherwise specified by resolution of the members of the council, the adoption of any policy of the council shall be vested in its regular membership.

Section 8. Election of Directors. Four directors of the council shall be members at large and shall be elected by the general membership for a two year term. Sixteen directors of the council will be elected by the members from the district that they represent for a two year term. Each district will have two directors. There shall be no limit on the number of consecutive terms that any one director may serve. At the annual conference, one-half of the elective board seats will stand for election. The board of directors shall determine the method of polling, and each director representing a district shall be elected by a majority of the votes cast from the district that will be represented by that director. Such district council members shall be deemed to be from the district in which they are employed. In case of the death or resignation of any elected director of the council, the chairperson shall fill the vacancy

by interim appointment. If the vacancy is in a specified district, the interim appointee shall be from that district.

Section 9. Appointment of Directors. Seven directors of the council will be appointed by the chairperson of the council upon their designation as representatives by the following organizations:

- a. Minnesota County Attorneys Association
- b. Minnesota Social Service Association
- c. Minnesota Department of Human Services
  - Subd. 1. Child Support Enforcement Division
  - Subd. 2. Fraud and Settlement Actions Unit
- d. Association of Minnesota Counties
- e. Minnesota Association of County Social Services Administrators
- f. Minnesota County Recovery Association.

Each appointment shall be for a two-year term.

Section 10. Removal of Board Members.

Subd. 1. Basis for Removal. A board member may be removed from the position for any of the following reasons:

- a. Failure to attend three regular or special meetings of the board in any 12-month period, unless excused by the board due to illness or other sufficient reasons.
- b. Conviction of a felony, or misdemeanor or a gross misdemeanor which is related to or would adversely reflect on his performance.
- c. Being the subject of disciplinary action, taken pursuant to employment rules applicable to the board member, which action is final and results in suspension from or termination of employment due to inadequate or improper performance.

Subd. 2. Manner of Removal. Removal may be made by a majority of the officers and directors present at which a quorum exists. No removal may be made unless the subject has been included as an agenda item and the written agenda has been made available in advance of the meeting.

Section 11. Replacement of Board Members. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the chairperson for the unexpired portion of the term.

Section 12. Change of Membership Status. A member of the board who loses regular membership status due to a change of position may remain on the board until the next annual meeting at the discretion of the board.

Section 13. Executive Board. There shall be an executive committee of the board of directors, consisting of the chairperson, first vice chairperson, second vice chairperson, secretary, treasurer, and the immediate past chairperson. The purpose of the executive board shall be to carry on any business of the council between its regularly scheduled board meetings. Members of the executive board may participate in a meeting of the executive board by means of conference telephone or other communications equipment which allows all committee members to hear each other and to participate in any discussion, **or by "e-mail if each member of the executive committee has provided an e-mail address to the secretary.** Any or all members participating in this fashion will be deemed to be present in person at the meeting. All business transacted during an executive board meeting shall be recorded by the secretary and a report given to the full board at its next scheduled meeting.

#### ARTICLE IV

##### OFFICERS

Section 1. Term of Office. The term of office for all council officers shall be one year or until a successor is duly elected and qualified. All officers with the exception of the treasurer and secretary shall not serve consecutive terms. After completion of a term, the chairperson shall assume the office of immediate past chairperson. After one year in office the first vice chairperson will succeed the chairperson. The second vice chairperson will succeed the first vice chairperson. In case of the death or resignation of the chairperson or first vice chairperson or second vice chairperson, the succession provisions as outlined in Section 2, Subds. 1, 2 and 3 shall apply. The chairperson shall always fill by interim appointment the office of the second vice chairperson. The chairperson shall always fill by interim appointment any similar vacancy existing in the office of secretary or treasurer. All officer interim appointments shall be subject to confirmation by the board of directors.

Section 2. Duties of Officers

Subd. 1. Chairperson. The chairperson shall preside at all meetings of the board and the annual conference of the council. The chairperson shall perform the usual duties, and may speak for and on behalf of the council when so instructed by the board. The chairperson, with the concurrence of the board, shall make all committee appointments and shall be an ex-officio member of all committees.

Subd. 2. First Vice Chairperson. In the absence of the chairperson or in the event of an inability or refusal to act, the first vice chairperson shall perform the duties of the chairperson, and when so acting, shall have all powers of and be subject to all restrictions upon the chairperson. The first vice chairperson shall perform such other duties from time to time as may be assigned by the chairperson or by the board of directors.

Subd. 3. Second Vice Chairperson. In the absence of the chairperson and the first vice chairperson or in the event of their inability or refusal to act, the second vice chairperson shall perform the duties of the chairperson, and when so acting shall have all powers of and be subject to all restrictions upon the chairperson. The second vice chairperson shall perform such other duties as from time to time may be assigned by the chairperson or by the board of directors.

Subd. 4. Secretary. The secretary shall attend all meetings of the board of directors, and of the full council, and shall preserve in books the council's true minutes of the proceedings of all such meetings. The secretary shall give all notices required by the council by-laws. The secretary shall perform such other duties as may be delegated by the board of directors, or by the chairperson.

Subd. 5. Treasurer. The treasurer shall have custody of all council funds and securities and shall keep in books belonging to the council full and accurate accounts of all receipts and disbursements; the treasurer shall deposit all monies, securities and other valuable effects in the name of the council in such depositories as may be designated for that purpose by the board of directors. The treasurer shall disburse the funds of the council as may be ordered by the board, taking proper vouchers for such disbursements, and shall render to the chairperson and the directors at a regular meeting, and whenever requested by them, an account of all transactions as treasurer and of the financial condition of the council. If required by the board, the treasurer shall deliver to the chairperson of the council, and shall keep in force, a bond in form, amount and with a surety or

sureties satisfactory to the board, conditioned on faithful performance of the duties of the treasurer, and for the restoration to the council in the event of death, resignation, retirement or removal from office, of all books, papers, vouchers, money, and property of whatever kind belonging to the council and held in possession or in control of the treasurer.

Subd. 6. Immediate Past Chairperson. The immediate past chairperson shall be a voting member of the board of directors, shall advise the board and participate in all their deliberations and shall perform such other duties as may be delegated by the chairperson or the board of directors.

Section 3. Elections. The officers of this council shall be elected by the general membership. The election shall be by ballot with the majority of the votes cast. In case of a tie the choice shall be decided between contestants by lot. The election and the results of such election shall take place and be announced at the annual conference.

ARTICLE V

COMMITTEES

Section 1. The council shall have three standing committees: membership, conferences, and nominating. The chairperson may from time to time establish additional committees and designate their membership with the approval of the board of directors. All committees shall cease to exist at the same time as their appointing authority.

Section 2. All recommendations of any standing or study committee shall be made to the board in writing. Each committee shall submit a written report of its activities, including recommendations, if any, not less frequently than once each year at the annual conference.

ARTICLE VI

CONTRACTS, CHECKS, DEPOSITS AND FUNDS

Section 1. Contracts. The board of directors may authorize any officers, agent or agents, of the council, to enter into any contract or execute and deliver any instrument

in the name of or on behalf of the council, and such authority may be general or confined to specific instances.

Section 2. Checks, Drafts, Etc. All checks, drafts or orders for the payment of money, notes or otherwise evidences of indebtedness issued in the council and in such manner as shall be prescribed and determined by resolution of the board of directors. In the absence of such determination by the board of directors, such instruments shall be signed by the treasurer.

Section 3. Deposits. All funds of the council shall be deposited from time to time to the credit of the council in such banks, trust companies or other depositories as the board of directors may select.

Section 4. Funds. Any funds which may come to the council or be subject to its control, for its use in furthering and promoting the aims and purposes of the council or its policies shall be received, disbursed, controlled and accounted for by the treasurer in such manner and under such conditions as shall be prescribed and determined by the board of directors of the council.

## ARTICLE VII

### GENERAL PROVISIONS

Section 1. Parliamentary Authority. The rules of parliamentary procedure and practice contained in Robert's Rules of Order Revised shall supplement the rules of procedure adopted by the council and shall govern the board and all other committees created by the board in which the said Robert's Rules of Order Revised is applicable and insofar as they are not inconsistent or in conflict with these by-laws.

Section 2. Organizational Affiliation. The board of directors may apply for and accept membership in any recognized organization for the purposes of furthering the objectives of the council.

Section 3. Fiscal Year. The council shall operate on a fiscal year running from January 1 until December 31 of the following calendar year.

## ARTICLE VIII

### AMENDMENTS TO THE BY-LAWS

Section 1. These by-laws may be altered, amended or repealed and new by-laws may be adopted in the following manner.

a. A new by-law or amendment to an existing by-law may be proposed by the board at any meeting by a vote representing a 2/3rds vote of the full board of directors.

b. A new by-law or an amendment to an existing by-law may be proposed by a written request of a member of the council. Proposed new by-laws or amendments shall be filed with the secretary at any regularly scheduled meeting of the board of directors.

c. Notice of the proposal of the new by-law or an amendment to an existing by-law stating the purpose of each new proposed by-law or amendment, the reason therefore, and a copy of the proposed new by-law or amendment shall be sent by the secretary by mail to each general member, not less than 15 days prior to the next regularly scheduled annual conference.

d. After a new by-law or an amendment to an existing by-law has been proposed as herein provided, such new by-law or amendment may be adopted at the annual conference by the council by a vote representing the concurrence of a majority of the membership present.

e. Such addition or amendment to an existing by-law when duly approved shall go into immediate effect following its adoption unless otherwise provided.