

Developmental Disabilities Council Bylaws

Article I Name, Authority, Purpose

The name of this organization shall be the Delaware Developmental Disabilities Council.

All action taken by this council and all organizational structure shall conform to the Developmental Disabilities Assistance and Bill of Rights Act as amended.

The purpose of the Council is to serve as an advocate for all persons with developmental disabilities. This advocacy has as its goal to assure that these persons receive the services and other assistance and opportunities necessary to enable these persons to achieve their maximum potential through increased independence, productivity and integration into the community.

Article II Membership and Appointment

The Governor of the State of Delaware shall appoint the members of the Developmental Disabilities Council as stated in PL 106-402.

Membership shall consist of no less than 20 and no more than 40 persons with at least 60% of the total membership being persons with developmental disabilities, their immediate relatives or guardians.

The Membership Committee and other Members of the Council shall take affirmative steps to recruit new members such that the Council: (1) reflects the diversity of the DD population in the State including representation by various disability and ethnic groups; (2) reflects the geographical diversity of the State, and (3) on average achieves an overall composition of 15% new membership on an annual basis. Potential Members are brought to the attention of the Membership Committee who will review the application to the DD Council and will make a recommendation to the full Council and to the Governor's Office for appointment. It is recommended that applicants attend Committee meetings prior to their appointments to determine interest in Committee work and to provide an education on the mission and goals of the DD Council. Membership shall be in accordance with the requirements set forth in the governing legislation.

Effective January 1, 2003, appointment of new Members or reappointment of existing Members shall be for a term of 6 years. Effective January 1, 2009, such terms may be renewed for a second, consecutive 6-year term resulting in an aggregate, maximum period of 12 consecutive years of membership. Following completion of the second consecutive term, a Member may not reapply for membership until at least 1 year has passed from expiration of the second term. As stated in the governing legislation, Members may continue to serve on the Council until such Members' successors are appointed. An Agency legally required to serve on the Developmental Disabilities Council can apply for an exemption to the term limit for the Agency representative through the Governor's Office and these Members serve at the pleasure of the Governor. A Member of the Council may be suspended or removed by the Governor for misfeasance, nonfeasance, malfeasance, misconduct, incompetency or neglect of duty at the request of the Council.

Article III Officers, Elections and Committees

The officers of the Council shall consist of a Chair and Vice-Chair and shall be elected annually.

The Executive Committee is composed of the officers of the Council, the chairperson of each of the standing Program Committees, the chairpersons of the Financial Advisory Committee and the Personnel Committee, an annually elected past chair and annually elected members at large, as needed, to complete the complement of nine members on the Committee. The Membership Committee shall develop a slate of candidates annually for election to the Executive Committee at the Annual Meeting, after soliciting input from all Council members regarding their own interest in serving as an officer and their recommendations of persons who should be considered for nomination.

In addition to its other duties, members of the Executive Committee shall nominate the next Membership Committee, to be elected annually. All Council members shall be polled regarding their interest in serving on the Membership Committee and their recommendations of persons who should be considered for nomination. No Council member shall serve on both the Executive Committee and the Membership Committee at the same time. A Chair and Vice-Chair for the Membership Committee will be appointed by the Council Chair.

The Executive Committee shall have the authority to approve funding up to the federal ceiling for administrative expenses (without the full Council's approval) and up to \$2,500 in each fiscal year for programmatic expenses without the full Council's approval; and full discretion to approve use of the Council Fund and the Training Fund.

Members of the newly-elected Executive and Membership Committees shall take office on January 1, of the next calendar year and shall serve for one year or until their successors have been elected. Offices vacated may be filled immediately to complete the term with candidate(s) to be nominated by the Membership Committee. The newly elected Chair will serve with vote at Executive Committee from election to January 1 and subsequently for the remainder of his/her term.

The Council Chair may with the advisement of the Executive Committee establish special committees and appoint the initial Chairs and other members. The Standing Committees are: Adult Issues, Children and Families, Policy & Law, Personnel, and Financial Advisory Committees. Each committee will elect its own chairperson, for a one-year term. The Committee Chair will designate the Committee Vice-Chair. Members are invited to indicate their preferences, and the Council Chair will appoint Council members to each committee. Committee Chairs may appoint non-Council members to their respective committees except for the Personnel Committee.

Committees shall be structured to implement the Council's programs and goals for empowerment and inclusion of the population with developmental disabilities and for the prevention of developmental disabilities.

Article IV Special Meetings, Quorum and Voting

Special meetings of the Council may be called by the Chair or upon the written request of a majority of the Membership. Notice of a special meeting shall state the purpose and shall be mailed to the membership at least seven days before the meeting.

At any meeting of the Council, committee, task force or subcommittee, one-third of the membership of the body shall constitute a quorum. However, a quorum for the Executive Committee is a majority of its membership.

All questions shall be decided by a majority vote of the members present, except as otherwise provided in these bylaws. See Article V.

The Council, Chair or a committee may determine the necessity for a vote by surface mail, telephone or electronic mail. If such a vote is deemed necessary, at least half the membership of the body must respond for the vote to be valid, with the question being resolved by a majority of those voting.

Actions by a committee are not binding until approved at a meeting of the Executive Committee or full Council, whichever meeting occurs first. In instances of time-sensitive actions, the Executive Committee has the authority to vote on the action by surface mail, telephone, or electronic mail.

Article V Rules/Amendments

Parliamentary authority for conducting the business of the Council shall be Roberts' Rules of Order.

The Bylaws may be adopted, amended, or repealed by the affirmative vote of two-thirds of the members present at any meeting of the Council, provided that a quorum is present and notice of intention to adopt, amend, or repeal any Bylaw in whole or in part shall have been given at the last preceding meeting, or without any such notice, by the vote of two-thirds of all members of the Council.

Article VI Meeting and Committee Participation

Active participation in Council activities is a requirement of continued membership. In implementation of this standard, each member must serve on at least one committee or task force. In the absence of a member's timely selection of a committee on which to serve, the Council's Chair shall appoint the member to a committee or task force.

Any Council member who misses either three consecutive Council meetings or six Council meetings in twelve consecutive months without just cause in the judgment of the Membership Committee shall be presumed to have significantly diminished commitment and shall be invited to resign, and/or the Governor's Office shall be requested to terminate the appointment.

Committee members who miss three consecutive meetings without just cause in the judgment of the Committee Chair and Vice-Chair shall be presumed to have resigned from their committee. If the member is not otherwise actively participating on a another committee or task force without just cause in the judgment of the Membership Committee,

they will be presumed to have significantly diminished commitment and shall be invited to resign from Council, and/or the Governor's Office shall be requested to terminate the appointment.

Teleconferencing: This is an option for participation at meetings with vote.

Extended Absence of a Member of the Executive Committee: A member who foresees an absence of 60 days or more, should give due notice to staff who will notify the Membership Committee so that a replacement may be nominated for Council's election. If the Membership Committee learns of this impending absence or the absence otherwise occurs, the Membership Committee shall nominate a replacement.

Members of the Council and Standing Committees must conduct their personal affairs in such a manner as to avoid any conflict of interest with the duties and responsibilities as members of the Developmental Disabilities Council as required by federal law, 42 U.S.C. § 15025 (c)(5)(G)(ii), and State law, 29 Del. C., Chapter 58. Any duality on the part of any member shall be disclosed to the DDC, and made a matter of record when the interest becomes a matter of Council action. When required by State law, if members have a financial interest in a private enterprise that does business with, or is regulated by a State agency, they must fully disclose such information to the Public Integrity Commission, as a condition of commencing and continuing their employment or appointment. Any member having a duality of interest shall recuse him/herself from the discussion of the action, shall not vote or use his/her personal influence on the matter. The minutes of the meeting shall reflect that a disclosure was made, the recusion from the discussion and the abstention from voting. Any new member will be advised of this section of the By Laws upon entering the duties of a member of the DDC and provided with extracts of the State and federal laws.

Policies and Procedures For Appeal and Subsidy

Appeal Process for Contractors: Applicants may appeal the actions of the Council's designated review committee on procedural grounds using the following process:

a. The applicant shall file an appeal in writing addressed to the Director of the Council to be received no later than 10 calendar days from the date of written notice of denial, suspension or termination.

b. The Executive Committee will, within 30 calendar days of receipt of appeal, review the procedures of the review committee and any documentation that the appealing party wishes to present. This review will determine whether the actions of the Review Committee were consistent with the criteria established by the Council for evaluating applications. The appealing party will be invited to appear at the meeting and present any other evidence that may be relevant to the appeal.

c. The Executive Committee will inform the appealing party of its decision in writing within ten calendar days of the meeting and/or, if it is found by clear and convincing evidence that the review committee has not followed proper procedures or decided on inadequate information, it will recommend to the Council Chair that the Review Committee reconsider the application.

d. The decision of the Executive Committee is final.
For any further appeal, follow State law.

Subsidy for Supports: Council members are entitled to reimbursement for mileage at the current State rate or public transportation to attend DD meetings. Council members may arrange for transportation in a lift-equipped State-agency vehicle. Support for child care, stipends, and attendant care requires prior approval of the Council Chair or the designee of the Chair. Reimbursement is not for those routinely receiving such services. Council is the payer of last resort. Appeal may be made to the Executive Committee. Non-Council members serving on Council's Committees are also entitled to the above support.

Preference for subsidized attendance at training events is to be given to the Council Chair and Vice-Chair; Committee Chairs and Vice-Chairs; and other Council members with preference for consumers. Non-Council members may be reimbursed for travel to conferences only if an appropriate Council member is not available, according to the judgment of the Council Chair. Notice of the Council's policy on subsidized attendance at training events shall be disseminated among Council and committee membership.

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