



Developmental Disabilities Council Bylaws (revised and approved 9/8/21)

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 exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

Article II Membership & Appointment

Council Voting Members

The Council shall consist of not less than 23 members and not more than 30 members appointed by the Governor who are residents of the State of Delaware. The members shall at all times consist of not less than 60% of individuals who are both: (A) individuals with developmental disabilities, parents or guardians of children with developmental disabilities, and immediate relatives or guardians of adults with mentally impairing development disabilities who cannot advocate for themselves, and (B) who are not employees of a State agency that receives funds or provides services under the federal guidelines or managing employees of any other entity that receives funds or provides services under the federal guidelines, "non-federally mandated members". The non-federally mandated members shall at all times represent a) 1/3 individuals with developmental disabilities, b) 1/3 parents or guardians of children with developmental disabilities, and c) 1/3 combination of both A & B members. The Council shall elect a Chair and Vice Chair from among its members every two years.

***Members are appointed by the Governor. These members are the only voting members. Sending a proxy in lieu of the member is not applicable. Person providing reasonable accommodation or support is only there to assist the member.**

Federal Required Positions

- A. Individuals who are representatives of a relevant State entity that administers funds under the Federal guidelines related to individuals with disabilities, including:
 - 1. Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)
 - 2. Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)
 - 3. Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)
 - 4. Social Security Act, Title V (42 U.S.C. 701 et seq. and 1396 et seq.)
 - 5. Social Security Act, Title XIX (42 U.S.C. 701 et seq. and 1396 et seq.)
- B. An individual who is a representative of the Centers (University Centers for Excellence in Developmental Disabilities Education, Research and Service) in the State.
- C. An individual who is a representative of a relevant State agency from the State protection and advocacy system (Community Legal Aid Society, Inc.).
- D. Representative of local and nongovernmental agency concerned with services for individuals with developmental disabilities in Delaware.
- E. Private nonprofit group concerned with services for individuals with developmental disabilities in the State of Delaware.

Other Required Positions

- A. Individuals with developmental disabilities.
- B. Parents or guardians of minor children with developmental disabilities.
- C. Immediate relatives or guardians of adults with mentally impairing developmental disabilities who may need a reasonable accommodation to advocate for themselves.
- D. At least one Council member must be an immediate relative or guardian of an individual with a developmental disability, or an individual with a developmental disability, who resides or previously resided in an institution.

Terms and Appointments

Article II, Federally Required Positions shall have no term limits provided they still meet the requirements of the position as stated in the DD Act for which they were appointed. All non-federally mandated members shall be appointed for a term of 6 years, and shall be eligible for 1 additional term of 6 years. No non-federally mandated member who has served two consecutive terms of 6 years or who has served on the Council for more than a 12 year period shall again be appointed to

the Council until an interim period of at least 1 year has expired since such person last served. Each term of office shall expire on the date specified in the appointment; however, the Council member shall remain eligible to participate in Council proceedings until a successor is appointed by the Governor. The Governor may appoint members for terms of less than 6 years to ensure that the Council members' terms expire on a staggered basis. Members appointed for less than a 6 year term may be eligible for reappoint for more than 2 consecutive terms not to exceed more than a 12 year period. A member of the Council may be removed by the Governor for misfeasance, nonfeasance, malfeasance, misconduct, incompetency or neglect of duty.

Representation and Recommendations

The Council shall take affirmative steps to recruit new members such that the Council shall reflect the diversity of the Developmental Disability population. The Council shall attempt to ensure that Council membership reflects a diverse representation of various disabilities, races and ethnicities, as well as geographical representation of the State.

Article III Officers, Elections and Committees

Officers

The officers of the Council shall consist of a Chair and Vice-Chair and shall be elected every two years. Officers shall take office immediately after the meeting when the elections were held. If an Office is a Chair of any DDC Committee, the Vice Chair of that Committee will serve on the Executive Committee on behalf of that Committee. Members at Large position will also be voted on every 2 years at the Election of Officers.

If the Chairperson of the Council position is vacated in the middle of a term prior to the next officer election, the Vice Chair will assume the chairperson role until the next scheduled election. Upon the Vice Chair moving into the Chairperson role, a special election will be held to fill the Vice Chair position and assume those roles until the next scheduled election.

Chairperson Role

The Chairperson shall have the following responsibilities:

- (1) Chair meetings of the Council; If the Chair is unavailable for the meeting, then the Vice Chair will chair the meeting. If neither are available, then a member of the Executive Committee will chair the meeting.
- (2) Serve as Chair of the Executive Committee.
- (3) Assist the Executive Director with developing the Council meeting agendas as needed.

- (4) Make recommendations, to the Council, of delegates and committee/task force members and chairs.
- (5) Serve as an ex-officio member of all committees.
- (6) Supervise, monitor and evaluate the work of the Executive Director, in consultation with the Personnel Committee, and as necessary, with other members of the Council.
- (7) Evaluate annual the job performance of the Executive Director in consultation with the Personnel Committee.
- (8) With approved delegated authority from the Council, represent the Council to the public and to elected and appointed officials.
- (9) Generally guide the Council in upholding its principles, purposes and responsibilities to the goals and objectives in the State Plan as well as the DD Act. Chair shall strongly encourage participation of the members of the Council to assist in expediting the goals and objectives within the state plan.

Executive Committee

The Executive Committee is composed of the following members for a total of seven members:

- a) Chairperson of the Council
- b) Vice-Chairperson of the Council
- c) Chairperson (or the vice-chairperson if the chairperson is not available) of the following committees *Chairperson of a committee must be a council member:
 - *Advocacy and Outreach Committee
 - *Policy and Law Committee
 - *Personnel Committee
- d) Two members at large with at least one member at large being a person with a disability. The Members at Large position will be voted upon every 2 years.

The staff shall develop a slate of candidates interested members every other year for election 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.

The Executive Committee shall have the authority to take action on behalf of the Council for time sensitive items including:

- a) Legislation
- b) funding requests
- c) proposal approvals

The Executive Committee shall report any interim funding decisions to the full Council at the next scheduled Council meeting.

Members of the newly-elected Executive Committee shall take office immediately at the meeting when elections are held and shall serve for two years or until their

successors have been elected. Positions on the Executive Committee and any position as Chair or Vice-Chair of any other committee that is vacated during a term shall be filled by vote of the full Council, and such candidates shall complete the term of the member they are replacing.

Committees

The current DDC Committees are:

- a) Advocacy and Outreach
- b) Policy & Law
- c) Personnel

Each committee will nominate its own chairperson to be voted on by the Council, to serve a two-year term. The Committee will vote on the Committee Vice-Chair. If the Chairperson should resign, the Vice-Chairperson will assume the duties of the Chairperson for the remainder of the term and a new Vice-Chairperson shall be elected at the next full Council meeting. If the Vice-Chairperson should resign, a new election will be held during the next full Council meeting. Non-Council members may be members of committees, but may not serve as Chair or Vice Chair of committees.

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

Personnel Committee

Consistent with state law and in accordance with the DD Act, the Personnel Committee, in consultation with the Council Chair, has been delegated the authority to solicit input from Council members and prepare and conduct an annual review of the Council Director on behalf of the Council.

Consumer Caucus

The members of the Council who are individuals with developmental disabilities are invited to participate in the Consumer Caucus, which provides education and training sessions to assist those members in preparing for up-coming meetings and provides other education that members of the Consumer Caucus require to be active members of the Council.

Article IV Council Meetings, Quorum and Voting

Regular meetings of the Council will be scheduled each year, but additional meetings of the Council may be called by the Chair or upon the written request of a majority of the Membership. Notice of an additional meeting in between regularly scheduled meetings shall state the purpose and shall be delivered to the membership prior to the meeting.

At any meeting of the Council, or a committee, a majority of the voting membership of the body shall constitute a quorum.

All decisions shall be decided by a majority vote of the members present.

Actions by a committee are not binding until approved at a meeting of the full Council. In instances of time-sensitive actions, the Executive Committee has the authority to vote to approve the action and report back to the full Council at the next regularly scheduled Council meeting.

Article V Rules/Amendments

The Bylaws may be adopted, amended, or repealed by the affirmative vote of the majority 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.

Article VI Meeting and Committee Participation

Any Council member who misses either three consecutive Council meetings or six Council meetings in twelve consecutive months without just cause shall be presumed to have a significantly diminished commitment. After each absence, the Council staff will do their due diligence in trying to reach out to assist the member in trying to resolve any barriers that may be hindering their ability to attend a Council meeting. After the third absence, the Council Chairperson will attempt to resolve any concerns. If the absences continue, the Governor's Office will be notified of the members attendance concerns and be recommended that the Governor terminate their appointment.

Committee members who miss four consecutive meetings shall be presumed to have resigned from their committee. If the member is able to be more active at a point in the future, the member can request to rejoin the committee.

Members of the Council and 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. § 15024 (c)(5)(D) and 15025 (b)(4)(B)(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 recusal from the discussion and the recusal 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.