

# **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 & Appointment**

### **Council Voting Members**

The Council shall consist of not less than 21 members and not more than 40 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 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. The members shall at all times represent 1/3 individuals with developmental disabilities, at least 1/3 parents or guardians of children with developmental disabilities, and will include mandated representation of agencies and organization described in the federal guidelines. The Council shall elect a Chair and Vice Chair from among its members on an annual basis.

### **Federal Required Positions**

- A. An individual who is not an employee of a State agency that receives funds or provides services under the federal guidelines and who is not managing employees. (Social Security Act 42 U.S.C. 1320a-5(b))
- B. 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 (42 U.S.C. 701 et seq. and 1396 et seq.)
- C. An individual who is a representative of the Centers (University Centers for Excellence in Developmental Disabilities Education, Research and Service) in the State.
- D. An individual who is a representative of a relevant State agency from the State protection and advocacy system (Community Legal Aide Society, Inc.).

### **Other Designated Positions**

- A. Individuals with developmental disabilities.
- B. Parents or guardians of children with developmental disabilities.
- C. Immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.
- D. A parent or guardian of an individual with a developmental disability who resides or previously resided in an institution.
- E. Representatives of local and nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State of Delaware.
- F. Other Interested members of the public.

### **Terms and Appointments**

Article II, Federal required positions shall serve at the pleasure of the Governor. All other members shall be appointed for a term of 6 years, and shall be eligible for 1 additional term of 6 years. No person 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 unless replaced 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 membership Council and other members of 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 consider representation of various disability, race and ethnic, as well as geographical representation of the

State. The Council shall consider a rotating basis that may achieve an overall composition of 15% new membership as members terms expire. Potential members are brought to the attention of the Membership Council who will review the Governor's application to the Developmental Disabilities Council and will confirm if the applicant qualifies as a member. It will be recommended to qualified applicants that they should attend a Council meeting to confirm their interest in serving and allow the Council to provide the expectations and goals according to the governing legislation. The full Council will make recommendations to the Governor for future or current vacancies.

### **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.