



Developmental Disabilities Council

Bylaws

(Revised and approved in 2023)

Bylaws are the rules that control how the Council operates.

Section 1

Name, Authority, and Purpose

The name of this organization is the Delaware Developmental Disabilities Council.

The Council was created through a federal law called the Developmental Disabilities Assistance and Bill of Rights Act, better known as the DD Act. The Council is funded through the DD Act and must meet all its requirements.

The Council is located within state government but is independent. The Council makes all decisions about its operations, budget, and activities. The Council does not take direction from the governor or any state agency. This is a requirement of the DD Act.

The Council's mission is to make Delaware a state where all people with developmental disabilities are included, valued, and supported. This means:

- Delawareans with and without disabilities live, learn, work, and have fun together.
- Everyone has the same opportunities in life.
- People have power and control over their own lives.

Section 2

Membership

The Council must have at least 23 members, but not more than 30. Members must live in Delaware. They must be committed to and support the Council's purpose and mission. The

governor appoints Council members. That means people he approves become Council members.

A. Types of Members

At least 60% of Council members must be:

- People with developmental disabilities;
- Parents or guardians of children with developmental disabilities; and
- Immediate relatives or guardians of adults with developmental disabilities who cannot advocate for themselves. Immediate relatives include spouses, parents, grandparents, brothers, and sisters.

In this membership category, at least one-third (1/3) must be people with developmental disabilities. At least one-third (1/3) must be parents and other immediate relatives or guardians of people with developmental disabilities. The other one-third (1/3) may be a combination of both.

Council members include:

1) People with developmental disabilities and family members.

a) At least one of these members must be:

- A person with a developmental disability who lives or used to live in an institution; or
- An immediate relative or guardian of a person with a developmental disability who lives or used to live in an institution.

b) A member in this category cannot be:

- An employee of a state agency that receives Council funds or provides services described in the Council section of DD Act; or
- A managing employee of any other organization that receives Council funding or provides services described in the Council section of DD Act.

2) Representatives of the following state agencies:

a) Division of Vocational Rehabilitation, Delaware Department of Labor

- b) Delaware Department of Education
- c) Division of Services for Aging and Adult with Physical Disabilities, Delaware Department of Health and Social Service
- d) Division of Developmental Disabilities Services, Delaware Department of Health and Social Service
- e) Division of Public Health, Delaware Department of Health and Social Service

These members must have the authority to participate in the Council's work and make decisions for the state agencies they represent.

- 3) One representative from the Community Legal Aid Society, Inc./Disabilities Law Program and the Center for Disabilities Studies/University of Delaware.
- 4) Representatives of other local and non-governmental agencies, private non-profit organizations, and advocacy groups that support the Council's mission. A non-profit organization is an organization that works to help people rather than to make a profit (money).

Representation

The Council works with the Governor's Office to make sure members represent different developmental disabilities, geographic areas, races, and cultural and ethnic backgrounds.

B. Terms

There are no term limits for members that represent:

- a) State agencies
- b) Community Legal Aid Society, Inc./Disabilities Law Program
- c) Center for Disabilities Studies/University of Delaware

All other members are appointed for 6-year terms. They can be appointed for an additional 6-year term. Members who have served two consecutive 6-year terms or served on the Council

for more than 12 years may not be appointed to the Council again until they have been off the Council for at least one year. Consecutive means there is no break between the terms.

The governor may appoint members for terms shorter than 6 years if necessary to make sure members' terms end in different years. That is important so everyone does not leave the Council at the same time. Members appointed for less than a 6-year term may be eligible for more than 2 consecutive terms, but they may not serve more than a 12-years in a row.

Each term ends on the date noted in the member's appointment letter. However, a Council member can remain on the Council until the governor names a replacement.

The governor may remove members for misfeasance, nonfeasance, malfeasance, misconduct, incompetency, or neglect of duty. This means the member can be removed if they:

- Do something illegal,
- Do not meet their Council member responsibilities, or
- Behave in other ways that are inappropriate or conflict with their role on the Council.

Section 3

Officers

Officers

The officers of the Council are the chairperson and vice-chairperson.

The Council votes for who will be the chairperson and vice-chairperson. The chairperson and vice-chairperson serve two years at a time. This is called their term. Their terms begin immediately after the meeting when they were elected. The Council can vote for the chairperson and vice-chairperson to serve more than one term. There are no limits on how many terms they can serve.

If the chairperson leaves the position before their term ends, the vice-chairperson becomes the chairperson until the next scheduled election. If the vice-chairperson moves into the

chairperson role, a special election will be held to fill the vice-chairperson position until the next scheduled election.

Elections

The staff develop a list of officer candidates for election at the Council's Annual Meeting every other year. To prepare this list, the staff ask for input from all Council members. Members may nominate themselves or another member.

Chairperson Role

The chairperson has the following responsibilities:

- 1) Leads Council meetings and Executive Committee meetings.
- 2) Helps the Executive Director develop the Council meeting agendas as needed.
- 3) Makes recommendations to the Council about who should serve on and chair committees and task forces.
- 4) Serves as a member of all Council committees, if they want.
- 5) Supervises, monitors, and evaluates the work of the Executive Director. Consults with the Personnel Committee. Also gets input from other members of the Council, if needed.
- 6) Represents the Council to the public and elected and appointed officials.
- (7) In collaboration with the Executive Director, guides the Council to meet the principles, purposes, and responsibilities described in the DD Act.
- 8) In collaboration with the Executive Director, guides the Council to meet its goals and objectives.
- 9) Encourages members to participate actively.

Vice-Chairperson Role

The vice-chairperson has the following responsibilities:

- 1) Leads Council and Executive Committee meetings when the chairperson is unavailable. If chairperson and vice-chairperson are unavailable, a member of the Executive Committee chairs the meetings.
- 2) Covers other duties of the chairperson when they are unavailable;

- 3) Serves in other leadership and support roles when requested by the chairperson or executive director.

Section 4

Committees

Executive Committee

The Executive Committee includes the following seven members:

- a) Council chairperson
- b) Council vice-chairperson
- c) Chairperson of the following committees:
 - Advocacy and Outreach Committee
 - Policy and Law Committee
 - Personnel Committee

The vice-chairperson of these committees serves on the Executive Committee if:

- The committee chairperson is not available, or
 - The committee chairperson is one of the Council's officers (so they are already on the Executive Committee)
- d) Two additional Council members. At least one must be a person with a disability. The Council votes for who these Executive Committee members will be every two years.

The Executive Committee helps lead and guide the work of the Council. It develops the agenda for Council meetings. The committee also makes decisions that the full Council would usually make, when the decisions cannot wait for the next Council meeting. This includes taking action on legislation, and approving proposals and funding requests. The Executive Committee must report all actions like this to the Council at the next Council meeting.

Members of the Executive Committee are elected every two years. They take office immediately after the Council meeting when they were elected. They serve for two years or until their replacements have been elected. If a member of the Executive Committee leaves their position before their term ends, the Council votes on their replacement at the next

scheduled Council meeting. The member that is selected completes the term of the member they are replacing.

Committees

There are three other Council committees: Advocacy and Outreach, Policy & Law, and Personnel.

Each committee nominates its chairperson to serve a two-year term. The full Council votes to approve the committees' nominations. Each committee also votes on who will serve as committee vice-chair.

If a committee chairperson resigns, the vice-chairperson becomes the chairperson for the rest of the term. When this happens, the Council elects a new committee vice-chairperson at the next full Council meeting. If the vice-chairperson resigns, a new election is held during the next full Council meeting.

People who are not Council members may be members of committees, but may not serve as chairperson or vice-chairperson. Committees decide whether to include people from outside the Council.

Committees are structured to help the Council carry out its mission and achieve its goals. The committees report to the Council.

Advocacy and Outreach Committee

This committee oversees objectives in the Council's State Plan that are assigned to it. The committee's job is to:

- Recommend projects to reach goals and objectives.
- Write information for Request for Proposals (RFPs) that the Council reviews.
- Recommend the amount of money needed for projects.
- Review proposals.

- Make recommendations to the Council about who should get money to carry out the projects.

Policy and Law Committee

This committee oversees objectives in the State Plan that the Council assigns to it. It recommends how these objectives should be worked on and monitors progress. This includes:

- Recommending projects to reach goals and objectives.
- Writing information for Request for Proposals (RFPs) that the Council reviews.
- Recommending the amount of money needed for projects.
- Reviewing proposals.
- Making recommendations to the Council about who should get money to carry out the projects.

This committee also:

- Reviews bills and other activity during legislative sessions.
- Develops position statements for the Council on issues that affect people with developmental disabilities and their families.
- Meets with legislators to educate them about issues affecting people with disabilities. Gives them with information they need and tells them where they can learn more.

Personnel Committee

This committee completes an annual review of the Council Executive Director. The committee consults with the Council chair and gets input from Council members.

Consumer Caucus

A “caucus” is a group of people that come together for a specific reason. Members of the Council who have developmental disabilities or who want to better understand information on meeting agendas are invited to participate in the Consumer Caucus. This group gets education and training that helps them get ready for Council meetings and be active members.

Section 5

Council Meetings and Voting

Meetings

The Council schedules regular Council meetings throughout the year. The Council chairperson can call for additional meetings. The Council can hold additional meetings if a majority of members make a written request. The Council must inform members when an additional meeting is scheduled in between regular meetings. The notice must state the purpose of the meeting.

Voting

The Council and committees can only take votes when at least half of the members are present. This is called a quorum. Each member has one (1) vote.

Only Council members may vote at full Council meetings.

Everyone who serves on a committee may vote on committee business. This includes Council members and people from outside the Council who serve on the committee.

People who attend meetings to provide support to Council members may assist the member to understand what is being voted on, but they may not influence how the member votes.

A vote passes when at least half of the members at the meeting are in support of what is voted on.

Committee decisions and votes must be approved at a meeting of the full Council. If an action must be taken before the next Council meeting, the Executive Committee has the authority to vote to approve the action. When this happens, the Executive Committee must report it to the full Council at the next Council meeting.

Section 6

Meeting and Committee Participation

To be successful, the Council needs members to participate actively in its work.

The Council will take the following action when a member misses Council meetings:

- After each absence, Council staff will attempt to reach the member to help resolve any barriers affecting their ability to attend Council meetings.
- After the member misses either three consecutive Council meetings or six Council meetings in twelve consecutive months, the Council chairperson will attempt to resolve any concerns.
- If the absences continue, the Council will inform the Governor's Office and recommend that the governor end their appointment.

Committee members who miss four consecutive meetings will be removed from the committee. If the member can be more active in the future, they may ask to rejoin the committee.

Section 7

Conflicts of Interest

A conflict of interest happens when a Council member or a member of their family could benefit personally from their position on the Council. Council members must not participate in any discussion or other action related to Council projects, activities, or other business when they have a conflict of interest. Council members are not permitted to vote on any Council business that would directly benefit them financially or otherwise give the appearance of a conflict of interest.

Whenever a Council member has a conflict of interest, they must:

- 1) Inform Council staff about the conflict of interest.
- 2) Withdraw from discussions and votes on the matter.

The Council will document conflicts of interest in meeting minutes and the action taken by members to avoid conflicts.

Section 8

Amendments (making changes)

The Council can make changes (amendments) to the bylaws at any full Council meeting. A majority (most) of the members at the meeting must vote to approve the changes. The Council can only take a vote when there is a quorum. The Council must inform members at the previous meeting that a vote about amending the bylaws will be taken.