

# **LOUISIANA DEVELOPMENTAL DISABILITIES COUNCIL**

## **Policies and Procedures Manual**

Revised: ~~October 30, 2008~~ October 22, 2009

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# I Historical Overview

The Developmental Disabilities Councils were founded in 1970 as a result of the passage of the Developmental Disabilities Assistance and Bill of Rights Act. Councils were created to promote capacity building and systemic change through advocacy activities. Councils are committed to the development of **an individual a consumer** and family-centered, **individual consumer** and family-directed comprehensive system and a coordinated array of culturally competent individualized supports and services. This system will be designed to promote self-determination, independence, productivity, integration, and inclusion in all facets of community life for individuals with developmental disabilities.

The Council is composed of people with developmental disabilities, family members of people with developmental disabilities, and representatives of state and other agencies that **are concerned with provide services to** people with disabilities. All Council members are appointed by the Governor. Councils have the responsibility to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance. The Council identifies the needs of persons with developmental disabilities and their families by soliciting public input and develops and implements a state plan to promote positive, systemic change to address those needs.

The Council is funded by the Federal government through the Department of Health and Human Services, Administration for Children and Families, Administration on Developmental Disabilities (ADD). Louisiana reports to and receives technical assistance from the ADD office in Dallas which is part of the West Central Hub. The Council is also a member of the National Association of Councils on Developmental Disabilities (NACDD) which provides information and technical assistance to member Councils from a national perspective and advocates for disability issues on the national level. Council members and staff attend regional and national meetings sponsored by ADD and NACDD.

## II. Mission and Values

To ensure all individuals with disabilities benefit from supports and opportunities in their communities so they achieve quality of life in conformance with their wishes.

### Values in the D. D. Act

- Individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of self-determination, independence, productivity, and integration and inclusion in all facets of community life, but often require the provision of community services, individualized supports, and other forms of assistance;

- Individuals with developmental disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals;
- Individuals with developmental disabilities and their families are the primary decision makers regarding the services and supports they receive, including where they choose to live from available options, and play decision making roles in policies and programs that affect their lives;
- Services, supports, and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;
- Communities are enriched by the full and active participation and contributions of individuals with developmental disabilities and their families;
- Specific efforts must be made to ensure that individuals with developmental disabilities from racial and ethnic minority backgrounds and their families enjoy increased and meaningful opportunities to access and use community services, individualized supports, and other forms of assistance available to other individuals with developmental disabilities and their families.

### **III. Facts about the Council**

The Developmental Disabilities Council is a group of 28 citizens of Louisiana, appointed by the governor, who come together quarterly to review the progress made toward achieving the goals and objectives in the Council's Five Year Plan. After gathering input from the public, the plan is developed by members and staff to assist Louisiana in meeting the needs of persons with developmental disabilities and to follow the mandates of the Federal Developmental Disabilities Act, especially related to systems change. The Council also represents the interest of persons with developmental disabilities at the collaborative planning efforts of state agencies and organizations, the Louisiana Legislature, and public events considering policy, funding and law.

Sixty percent of Council membership is made up of individuals with developmental disabilities or parents of children or adults with developmental disabilities. This representation is so important because these persons have life experiences to draw from and are the most knowledgeable about disability issues.

The Council has a vision of a system responsive to individual needs, providing flexible supports for a person with a disability to have a real life in the community. The Council's vision includes utilizing natural networks and collaborative supports to achieve person-centered outcomes; a system that does not put lives on hold but facilitates transition from one set of supports to another through an effective system of service coordination.

## IV. Council Membership

Council membership is defined in the bylaws.

### *Procedures:*

Prior to vacancies the Council publishes an announcement seeking applications for Council membership in its newsletter ~~prior to the April Council meeting~~ and asks other organizations to also solicit applicants.

The Council accepts applications for prospective membership year round, but ~~prior to the April Council meeting~~ publishes a deadline for consideration for that year's annual Council member appointments and any vacancies that occur due to resignations.

Persons interested in Council membership must submit a completed application available at the Council office or on the Council web site. Applications can be mailed to the Council office or submitted on-line through the web site.

~~At the April Council meeting,~~ The Chair appoints a membership committee, ~~to review the applications and make recommendations for new members to be submitted to the Governor's Office for appointment to the Council for approval at the July Council meeting.~~ The membership committee reviews the applications, conducts interviews and nominates candidates for Council approval. After Council approval ~~at the July meeting,~~ the recommendations are submitted to the Governor's Office of Boards and Commissions. The Governor will make the appointments of his/her choice. All gubernatorial appointments to boards and commissions which then must be confirmed by the State Senate in the next regular legislative session.

After appointment by the Governor, a newly appointed Council member begins service on the Council. The term of membership office of a Council member is four years. Procedures for filling unexpired terms due to resignation are included in the Council By-Laws.

~~As resignations occur, the chairperson appoints a membership committee to review the applications, conduct interviews and make recommendations for new members to be submitted to the Council at the next Council meeting. After approval by the Council, the recommendations are submitted to the Governor's Office of Boards and Commissions.~~

Persons not selected for Council membership are sent a letter informing them of such. Their applications are kept on file and they are contacted the following year to ascertain their continued interest in membership.

An orientation session is held for new Council members at the first available before their first Council meeting that time will allow. ~~if time permits.~~

Staff will provide information to Council members serving as mentors about their new Council member, i.e., any accommodations needed.

## V. Council Member Responsibilities

Each Council member shall:

- Attend quarterly council meetings held in January, April, July, and October of each year. A Council member must be present for the business/voting portion of the meeting in order to be considered present at that meeting.
- Prepare for Council and Committee meetings by reading the agendas and supporting material.
- Vote on matters during the council meetings.
- Adhere to and advocate for the Council's mission and philosophy- self determination, independence, productivity, integration and inclusion of persons with developmental disabilities in the community.
- Be accessible to legislators and policymakers for information on issues affecting the lives of persons with developmental disabilities.
- Represent the Developmental Disabilities Council at events, forums, meetings, etc. in their respective communities.
- Represent their respective communities at the meetings of the Council and share relevant information.
- Participate on a standing Council Committee.
- Serve on various Council Ad Hoc Committees and other statewide groups.
- Participate in the development of the Council's Five Year Plan and annual amendments.
- Participate in orientation and training sessions held in addition to regularly scheduled Council meetings.
- Participate in the development of Council position on matters of public policy.
- Read and respond to action alerts.
- Consult with Council staff as needed.
- ~~Share information between Council and other organizations, as appropriate.~~
- No member shall represent his or her personal opinion as that of the Council.

In all cases where a Council member is speaking as a Council member or on

behalf of the Council they will adhere to positions sanctioned by the Council membership.

Council Chairperson shall:

- ~~• Contact a Council member after that member misses two out of four Council and/or committee meetings in a year to discuss the importance of attending Council meetings and the member's ability to attend meetings.~~
- ~~• After consideration of Council finances and the nature of the event, the Chair may elect to appoint a Council member to attend NACDD events and other functions.~~
- ~~• Appoint experienced Council members to serve as mentors to new Council members.~~
- ~~• Provide oversight of the Executive Director's annual evaluation.~~

Officer duties are provided in the Council Bylaws.

Outgoing Chairperson shall:

- Provide incoming Chairperson with guidelines and information for fulfilling responsibilities for Council Chairperson.

## VI. EVALUATION PROCESS FOR EXECUTIVE DIRECTOR

- The Executive Committee develops a position description for the Executive Director for the approval of the full Council.
- The Executive Committee develops an evaluation format which is based upon the position description and uses performance indicators. The following shall be applied to each performance indicator:  
  
Strongly Agree (1) Agree (2) Disagree (3) Strongly Disagree (4)
- The Executive Director concurs with responsibilities outlined in the position description and evaluation format.
- The Executive Director completes an annual written progress report for the past year with goals for the next based on the position description and includes an assessment of the support s/he receives from the Council leadership and how the Council is doing in its role and responsibilities. This progress report shall also include anticipated challenges and outline examples of leadership over the past year on behalf of people with developmental disabilities and their families, along with his/her Professional Improvement Plan and other organizational enhancements as necessary. *(these changes approved by Executive Committee)*
- The Chairperson and the Executive Committee annually evaluate the Executive Director on behalf of the Council based on the performance indicators derived from the position description.

- The Chairperson contacts all Council members to solicit input in writing, enclosing a copy of the position description and the Executive Director's progress report.
- The Chairperson and Vice-Chairperson complete a draft written summary based on the evaluation responses and finalize the evaluation with the Executive Director.
- The Chairperson will provide a summary of the Evaluation to the Council.

## VII. Council Meetings

The Council is committed to conducting its meetings in a manner characterized as appropriate, efficient, effective, and accommodating. To this end, the Council shall implement and periodically evaluate and refine procedures to ensure high quality meeting practices are followed that meet the procedural obligations of the Council and satisfy participants. The Council shall hold quarterly meetings to conduct the business of the Council.

### Procedures:

Council meetings are normally held over a two-day period beginning on Wednesday and concluding on Thursday. Committees of the Council usually meet Wednesday, with a Dinner meeting held Wednesday evening. On Thursday the full Council meets in the formal business meeting. Attendance is recorded at committee and Council meetings. An annual attendance record is disseminated to members with Council meeting materials and posted on the Council website.

Mail an announcement of Council meetings is mailed to a list of interested persons and posted announce Council meetings on the Council's website. In accordance with the state Open Meetings Law, the Council meeting agenda is posted on the Council's website and outside the Council meeting room.

The staff mails a packet of materials to Council members for their review prior to each Council meeting and posts the materials on the Council's website.

The Executive Director, Deputy Director, Program Manager, two Program Specialists, and Executive Secretary and professional staff shall attend Council meetings. They shall sit together at the Council meeting table. Council staff are to provide information to Council members when needed and shall express their opinion on an issue when requested to do so by a Council member.

Guests who attend Council meetings shall be provided seating away from the Council meeting table. Guests will have an opportunity to speak for five minutes each at the end of the agenda and additionally may be recognized to speak by



the Chair during the meeting. Those wishing to speak at the end of the agenda shall sign their name on a card to make this request.

## VIII. Calendar

The Council is obligated to meet prescribed due dates and is committed to making efficient use of the time of Council members and staff, therefore, the Council shall maintain a Master Calendar and associated procedures so due dates and target dates are displayed and actions designed to meet these time-limited obligations are guided.

### January

Program Performance Report (PPR) due to A.D.D. \_ January 1

Quarterly Council Meeting

~~Solicit Council member applicants in TriAngle~~

~~Solicit nominations for council members from disability organizations~~

New Council member orientation (when applicable)

### April

Quarterly Council Meeting

Appoint nominating committee (biannually - odd years)\_ April Council meeting

Develop plan/amendments \_ April Council meeting

~~Appoint membership committee – April Council meeting~~

### June

Present slate of officers (biannually) \_ mail 30 days prior to July Council meeting

Deadline for Council members' travel forms \_ June 15

### July

Quarterly Council Meeting

Elect officers (biannually) - July Council meeting (odd years)

### August

Plan/amendments due to A.D.D. \_ August 15

~~Submit names to governor for appointments \_ August 15~~

### October

Quarterly Council Meeting

Council develops legislative goals \_ October Council meeting

Announce in TriAngle that Council will accept proposals through December to be considered for inclusion in the Council's Five Year Plan.

## IX. Committees

The Council shall have committees to address the objectives of the plan and functions of the Council. The duties and membership of the committees are addressed in Article IX of the Council's Bylaws.

~~Executive Committee meets quarterly and duties are designated in the bylaws.~~

~~Ad hoc committee members are appointed by the Council Chairperson.~~

~~The Council shall benefit from diverse perspectives by utilizing participation of non-Council members in activities of the Council. Non-Council members may be recruited to participate in committees of the Council. If non-Council members are included in a priority committee of the Council, a 60% parent/consumer majority shall be maintained.~~

## X. Council Funding

A. The Council, with its Federal allotment, shall:

engage in advocacy, capacity building, and systemic change activities and contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life. (Developmental Disabilities Assistance and Bill of Rights Act, P.L. 106-402)

Adhering to the letter and spirit of the DD Act and to accomplish improvements in quality of life for our fellow citizens with developmental disabilities, the Council shall identify the needs of the disability community and prioritize its funding through the annual planning process.

### Procedures:

~~Conduct annual community event(s) to~~ solicit public input on an annual basis regarding circumstances and needs in our state.

Provide information to various forums and citizens in general so they are aware of the circumstances and needs as understood by the Council.

Review state plans from all state and other relevant agencies or organizations to be informed about their perspectives and actual or planned actions related to the circumstances or needs in our state.

Announce in the October issue of the Triangle ~~at the first of each year~~ that the Council # will accept proposals through December 15th ~~March~~ to be considered for inclusion in the Council's Five Year Plan and Amendments. The Council will review these proposals as part of the planning process.

After adoption of the plan, the Council may solicit proposals to complete a particular objective in the plan. These will be reviewed by the Council committee responsible for that objective.

Unsolicited proposals will be kept on file and considered by the full Council if additional funding becomes available during the year.

The Council will adhere to all state and federal fiscal requirements.

B. Expenditure Approvals:

- 1 The Executive Director shall have the authority to adjust the operating budget line items as necessary up to a total of \$5,000 per adjustment. Adjustments of more than \$5,000 shall have the approval of the Council Chairperson.
- 2 The Executive Director shall have the authority to obligate funds on non-operating expenditures up to \$500. Non-operating budget expenditures from \$500 to \$5000 require the approval of the Council Chairperson and those over \$5,000 require Council approval.

## **XI. Collaborative Actions**

The Council recognizes that collaborative actions can be effective for advancing the person-centered practices and achieving the quality of life outcomes we seek, therefore, we shall seek and support collaboration with the Advocacy Center, the Human Development Center, and other creditable organizations so we realize mutual benefit.

*Procedures:*

The DDC will participate in various state level coalitions, task forces, committees, etc. The Council office maintains a list of Council members and staff with their disability related organizational memberships and affiliations. This is checked and updated by Council members at every quarterly Council meeting.

The Advocacy Center, the Human Development Center, and other organizations will be invited to participate in Council sponsored groups.

Staff and Council members accumulate relevant information from national and local networks and share with all Council members

The Council disseminates information to the public through brochures, our web site, presentations at conferences, forums, and meetings, **DIAL**, word of mouth, and many other means.

## **XII. Conflict of Interest**

### **A. STATEMENT OF PURPOSE AND PRINCIPLES**

1. It is expected that all Louisiana Developmental Disabilities Council members (hereinafter referred to as members) work to further the independence, productivity, integration and inclusion into the community of people with developmental disabilities.
2. It is further assumed that some members of the Council may be employed by or associated with an agency in the disabilities field. Such individuals are expected to be objective and fair and not pursue financial or personal gain as a member of the Council. Financial and personal gain is defined as: Achieving, directly or indirectly, a positive monetary or otherwise profitable increase in value of a person's own, or any member of their immediate family's economic condition.
3. The Council's intent is to ensure with reasonable prudence that no member realizes or creates the appearance of gaining financially or personally from Council actions.
4. Members shall not participate in any activity that might cause the general public or the Council to believe that they cannot carry out the responsibilities assigned by the Council.
5. It is the Council's intent that all Council members actions conform at all times to this Policy, the Council By Laws and all applicable state and federal laws regarding Conflict of Interest.

### **B. INDIVIDUALS AND ORGANIZATIONS COVERED**

1. Personal financial gain and/or personal benefit to members are prohibited. Conflicts of interest involving any of the following organizations or individuals shall be avoided: Conflict of Interest is defined as: A situation or potential clash, real or perceived between the official public responsibilities or the private obligations of a person in a position to make or influence decisions or actions of an organization or entity, and the realization of private gain of an individual, whereby that individual's personal interest or any member of their immediate family's, may benefit or be perceived to

benefit by the decision of the individual or the decisions or actions of the organization or entity. This can exist whether or not money is involved, and whether the conflict is actual or only perceived, whereby it could be questioned whether actions or decisions taken or made by the individual or organization or entity relating to that situation were influenced by consideration of the individual's private interest essentially making it impossible for the organization to act fairly; as the clash compromises the organization's ability to fulfill its duties impartially, and is incompatible with the obligations of the individual because it would or could lead to improper financial gain or other advantage at the expense of others.

- a. The member of the Council himself or herself;
- b. Any member of the member's immediate family including those related by marriage;
- c. Partners or business associates;
- d. An organization in which any of the above is an officer, director, employee, volunteer or consultant; or
- e. A person or organization with whom any of the above is negotiating or has any arrangement concerning prospective employment.

2. Membership on the Board of Directors of an organization by a member may be considered a conflict of interest and actions by such member are addressed in this policy.

### C. ACTIONS PROHIBITED

No member of the Developmental Disabilities Council shall have a conflict between that member's private interests and his or her responsibilities as a member of the DD Council.

A conflict of interest arises when a decision is made that may not be in the best interest of the Council, but is made in response to outside influences. Outside influences can include financial interests, family interests, and corporate interests.

All members must adhere to the Council Bylaws and the following procedures with regard to potential or real conflict of interest situations:

1. Each Council member shall disclose publicly all potential conflicts of interest, including any association with individuals or organizations that might benefit from the activities and decisions of the Council.
2. No member shall participate in the selection or award of, or seek to advise on or influence a decision or vote regarding a **Council** grant or contract to a recipient where the member knows or should have known that he or she has a conflict of interest in the award.

3. No member shall ask for, receive or accept anything of value whether in the form of money, service, gift, gratuity, benefit, loan, travel, entertainment, hospitality, promise, or in any other form, from anyone or any organization who is currently receiving or being considered for a contract or funding by the Council.
4. ~~No Council member may be related to the~~ The Council shall not hire an Executive Director ~~who is related to any Council member~~ by blood or marriage.
5. ~~No member shall divulge to an unauthorized person confidential information acquired in the course of official Council duties in advance of the time prescribed for its authorized release to the public.~~ (moved to another section)
6. ~~No member shall represent his or her personal opinion as that of the Council.~~ (moved to another section)
7. **5.** Except as approved reimbursement for travel or other related expenses, no member shall receive Council funds, either directly, or indirectly through a Council grant or contract, during a member's term on the Council and for two years thereafter.
8. **6.** No member shall be employed by a private entity with a contractual relationship with the Council regardless of the source of funds for the member's salary. The only exception to this is to meet the collaboration requirements of agencies funded through the Developmental Disabilities Assistance and Bill of Rights Act (PL 106-402).
9. **7.** Members who are paid employees or volunteer board members of national or state organizations shall not participate in the selection or award of or influence a decision or vote regarding a grant or contract for which an affiliated regional or local organization is an applicant or recipient.
10. **8.** No member shall use a portion of his or her salary as match for a Council grant or contract
11. **9.** Members who are candidates for or incumbents of elected ~~or appointed~~ office ~~or who are candidates for or incumbents of appointed office~~ shall not use their official positions on the Council for purposes related to their election, re-election, appointment or reappointment.
12. **10.** The Council Executive Director shall immediately disclose in writing any opportunity for outside employment, income or honoraria that results from a relationship with any state agency, organization, or facility providing services to persons with developmental disabilities and the nature of that employment or income to the Executive Committee. The Executive Committee shall consider

the circumstances and advise the Executive Director in writing to accept or reject the offer.

#### D. DISCLOSURE

1. Each member shall at all times disclose all conflicts of interest, including those which are uncertain or potential, and shall specify any known association with individuals or organizations which might benefit from activities and decisions of the Council in writing to,

Council Members shall disclose any potential or existing conflict of interest to the Council Chairperson or the Executive Committee, whichever is appropriate to the circumstance. The Council Chairperson shall disclose any potential conflict to the Executive Committee. (replaces D1)

The Executive Committee will review the issue and ensure that all procedures contained in this policy, the Council Bylaws, the state Code of Governmental Ethics or applicable Federal law are followed. This review may include requesting a ruling on the matter from the State Board of Ethics. (replaces E1)

The findings and determination of the Executive Committee or, as relevant, the State Board of Ethics, shall be provided to the member in writing and are final. (replaces E2)

All disclosures of conflict of interest and findings of same will be retained by the Executive Director and made available to the public upon request. (replaces D4)

- a. in the case of the Council Chairperson, the Executive Committee;
  - b. in the case of other members, the Council Chairperson or the Executive Committee whichever is appropriate to the circumstance;
2. Each member shall sign a conflict of interest statement upon their appointment or reappointment to the Council. Existing members shall sign the policy upon initial passage of this policy. (moved to end of policy)
  3. If any member at any time violates these policies, even unintentionally, an immediate disclosure of the circumstances surrounding the violation must be made to the appropriate authority in writing described in D.1.
  4. All disclosures and declarations (including the statements described in 2.. above) shall be retained by the Executive Director and made available to the public upon request.

## E. DETERMINATION OF CONFLICTS

1. Council members shall bring any suspected conflict of interest to the Executive Committee in writing who will review the issue and ensure that all procedures contained in this policy the Council By-Laws, the state Code of Governmental Ethics or applicable Federal Law are followed. This review may include requesting a ruling on the matter from the State Board of Ethics.
2. The findings and determination of the Executive Committee, except as otherwise noted in these policies, shall be provided to the member in writing and are final.

## F. PROCEDURES

Members who are found to have a conflict of interest are expected to resign from the Council or refrain from voting on matters that give rise to the conflict as follows:

1. Any A member who has disclosed or been determined to have a conflict of interest must not in relation to the matter in conflict;
  - a. participate in the selection process, negotiations, administration or evaluation of grants and contracts;
  - b. vote on funding decisions.
2. Any member who has disclosed or been determined to have a conflict of interest because some portion of his or her salary is being or will be used as match for a Council grant or contract is expected to resign from the Council after notification in writing by the Council Chairperson.
3. Any member who accepts employment from a private entity with a contractual relationship with the Council and whose salary will be paid with non-Council funds, is expected to immediately resign from the Council after notification in writing by the Council Chairperson.
4. Any member who has a conflict of interest in any matter concerning the Council must withdraw himself or herself from all actions concerning the matter.
5. A Council member suspected to be in violation of the State Ethics Law who refuses to resign shall be reported to the State Ethics Commission in writing by the Council's Chairperson.
6. Any official action taken by the Council found to have involved a member having a Conflict of Interest or otherwise violating this



Policy, the Council By-Laws, or any applicable state and federal laws regarding Conflict of Interest, even unintentionally, shall be brought before the Council for a revote on the action.

Each member shall sign a conflict of interest statement upon appointment or reappointment to the Council, attesting that they have reviewed, understand, and agree to abide by the policy.

### **XIII. Confidentiality**

No member shall divulge to an unauthorized person confidential information acquired in the course of official Council duties in advance of the time prescribed for its authorized release to the public.

### **~~XIII.~~ XIV. Council Member Stipend Funds**

Council stipend funds are available to offset the cost of travel and related expenses for non-agency Council members to attend conferences, workshops and meetings relevant to the Council's mission and mandate.

Council members wishing to apply for a stipend shall complete a stipend form and submit it to the Council office. The Executive Committee shall have responsibility for reviewing and approving stipend requests. Council members' attendance at committee and Council meetings shall be taken into consideration. All decisions of the Executive Committee are final.

Council members receiving a stipend to attend an event shall report on the event at the following Council meeting. The Council Chair will report on the status of the stipend fund at each Council meeting.

## **XIV. XV. Bylaws**

Revisions Approved and Adopted  
April 2007-~~October 2009~~

# **LOUISIANA ~~STATE PLANNING COUNCIL ON~~ DEVELOPMENTAL DISABILITIES COUNCIL**

## **Bylaws**

### **Article I Title**

The name of this body shall be the Louisiana Developmental Disabilities Council.

### **Article II Authority**

The legal authority for establishment of the Council is the Developmental Disabilities Assistance and Bill of Rights Act, P.L. 106-402, et.seq., and Louisiana R.S. 28:750-758 as amended.

### **Article III Purpose**

The purpose of the Council shall be to serve as an advocate for persons with developmental disabilities and to promote the provision of a full range of quality services and programs which enable persons with developmental disabilities to fully realize their maximum potential through increased self-determination, independence, productivity ~~and~~ integration and inclusion in the community. The Council shall:

1. Develop the State Plan required by Section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, P.L. 106-402, et.seq.
2. Monitor, review and evaluate annually the implementation of the State Plan.
3. Review and comment on all state plans which relate to programs affecting persons with developmental disabilities.
4. Submit to the secretary of the U.S. Department of Health and Human Services, through the governor, such reports as required by the Developmental Disabilities Assistance and Bill of Rights Act, P.L. 106-402, et.seq. and as periodically requested by the secretary .
5. Study, support and implement activities to promote public understanding of developmental disabilities, innovative state programs, and progressive legislation in the field of developmental disabilities.
6. Review programs which provide services to people with developmental disabilities and make recommendations to the governor, to the secretary of the Department of Health and Hospitals and other governmental officers

on recommendations for the improvement of these services and other matters related to developmental disabilities.

7. Review and act upon such other matters as may be deemed by the Council to fall within the intent of the federal law, guidelines, and directives.

## **Article IV Council Membership**

Section 1 28 Council members shall be appointed by the governor in accordance with Section 125 of the Developmental Disabilities Assistance and Bill of Rights Act, P.L. 106-402, et.seq.

Section 2 Membership of the Council shall be in compliance with composition mandates defined in the Federal DD Act.

Section 3

- A. Not less than 60 percent of the membership of the Council shall consist of individuals who-
  - (i) are individuals with developmental disabilities;
  - (ii) parents or guardians of children with developmental disabilities; or
  - (iii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.
- B. Of the members of the Council described in paragraph A above,
  - (i) one-third (6) shall be persons with developmental disabilities, and
  - (ii) one-third (6) shall be parents or guardians of children with developmental disabilities; or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.
  - (iii) one-third (5) shall be a combination of individuals described in Article IV, Section 3 (B) (i and ii).
- C. Of the members of the Council described in paragraph B above, at least one shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution or an individual with a developmental disability who resides or previously resided in an institution.

Section 4 Of the remaining membership, the Council shall at all times include representatives of:

- A. the principal State agencies, including the State agencies that administer funds provided under:

1. the Rehabilitation Act of 1973,
  2. the Individuals with Disabilities Education Act,
  3. the Older Americans Act of 1965, as amended,
  4. Titles V and XIX of the Social Security Act,
- B. a representatives from a local agencies, non-governmental agencies, and/or private nonprofit organization groups concerned with services for individuals with developmental disabilities in the State.
- C. the University Center for Excellence in Developmental Disabilities,
- D. the protection and advocacy system established under section 141 of the Developmental Disabilities Assistance and Bill of Rights Act, P.L. 106-402, et.seq.

Section 5 Voting - all members shall be voting members of the Council and proxy voting shall be prohibited. All votes shall be viva voce and shall be recorded in the minutes.

Section 6 No member of the Developmental Disabilities Council shall have a conflict between that member's private interests and his or her responsibilities as a member of the DD Council.

A conflict of interest arises when a decision is made that may not be in the best interest of the organization, but is made in response to outside influences. Outside influences can include financial interests, family interests, and corporate interests.

All Council members' actions must conform at all times to the Council's Conflict of Interest Policy and all applicable state and federal laws regarding Conflict of Interest.

Council members shall not engage in any Council conduct or activity that would result in a conflict of interest or the realization of financial or personal gain or in any Council conduct or activity that might create the appearance of a conflict of interest or realizing financial or personal gain.

Conflict of Interest is defined as: A situation or potential clash, real or perceived between the official public responsibilities or the private obligations of a person in a position to make or influence decisions or actions of an organization or entity, and the realization of private gain of an individual, whereby that individual's personal interest or any member of their immediate family's, may benefit or be perceived to benefit by the decision of the individual or the decisions or actions of the organization or entity. This can exist whether or not money is involved, and whether the conflict is actual

or only perceived, whereby it could be questioned whether actions or decisions taken or made by the individual or organization or entity relating to that situation were influenced by consideration of the individual's private interest essentially making it impossible for the organization to act fairly; as the clash compromises the organization's ability to fulfill its duties impartially, and is incompatible with the obligations of the individual because it would or could lead to improper financial gain or other advantage at the expense of others.

Financial and personal gain is defined as: Achieving, directly or indirectly, a positive monetary or otherwise profitable increase in value of a person's own, or any member of their immediate family's economic condition.

Disclosure. Each Council member shall disclose publicly all conflicts of interest, including those which are uncertain or potential, and shall specify any association with individuals or organizations which might benefit from activities and decisions of the Council.

It is the Council's intent that all Council members actions conform at all times to the Council's Conflict of Interest Policy and all applicable state and federal laws regarding Conflict of Interest.

No member shall participate in the selection or award of, or seek to advise on or influence a decision or vote regarding a Council grant or contract to a recipient where the member knows or should have known that he or she has a conflict of interest in the award.

No member shall ask for, receive or accept anything of value whether in the form of money, service, gift, gratuity, benefit, loan, travel, entertainment, hospitality, promise, or in any other form, from anyone or any organization who is currently receiving or being considered for a contract or funding by the Council.

The Council shall not hire an Executive Director who is related to any Council member by blood or marriage.

No member shall divulge to an unauthorized person confidential information acquired in the course of official Council duties in advance of the time prescribed for its authorized release to the public.

No member shall represent his or her personal opinion as that of the Council.

Except as approved reimbursement for travel or other related expenses, no member shall receive Council funds, either directly, or indirectly through a Council grant or contract, during a member's term on the Council and for two years thereafter.

No member shall be employed by a private entity with a contractual relationship with the Council regardless of the source of funds for the member's salary. The only exception to this is to meet the collaboration requirements of agencies funded through the Developmental Disabilities Assistance and Bill of Rights Act (PL 106-402).

- A. Members who are paid employees or volunteer Board Members of national or state organizations shall not participate in the selection or award of or influence a decision or vote regarding a grant or contract for which an affiliated regional or local organization is an applicant or recipient.
- B. No member shall use a portion of his or her salary as match for a Council grant or contract
- C. Members who are candidates for or incumbents of elected office or who are candidates for or incumbents of appointed office shall not use their official positions on the Council for purposes related to their election, re-election, appointment or reappointment.
- D. The Council Executive Director shall immediately disclose in writing any opportunity for outside employment, income or honoraria that results from a relationship with any state agency, organization, or facility providing services to persons with developmental disabilities and the nature of that employment or income to the Executive Committee. The Executive Committee shall consider the circumstances and advise the Executive Director in writing to accept or reject the offer.
- E. Any member who has disclosed or been determined to have a conflict of interest must not in relation to the matter in conflict,
  - 1. participate in the selection process, negotiations, administration or evaluation of grants and contracts;
  - 2. vote on funding decisions.

F. Any member who has disclosed or been determined to have a conflict of interest because some portion of his or her salary is being or will be used as match for a Council grant or contract is expected to resign from the Council after notification in writing by the Council Chairperson.

G. Any member who accepts employment from a private entity with a contractual relationship with the Council and whose salary will be paid with non-Council funds, is expected to immediately resign from the Council after notification in writing by the Council Chairperson.

H. Any member who has a conflict of interest in any matter concerning the Council must withdraw himself or herself from all actions concerning the matter.

I. A Council member suspected to be in violation of the State Ethics Law who refuses to resign shall be reported to the State Ethics Commission in writing by the Council's Chairperson.

J. Any official action taken by the Council found to have involved a member having a Conflict of Interest or otherwise violating this Policy the Council By-Laws, or any applicable state and federal laws regarding Conflict of Interest, even unintentionally, shall be brought before the Council for a revote on the action.

## Article V

### Terms of Office of Council Membership

#### Section 1

A full term of Council membership office shall be commence in October and shall extend for a period of 4 years. For members appointed to fill a vacant position, the term of membership office shall correspond with the length of the original term. When appointments to replace members, whose terms have expired, are not timely made, incumbent members shall remain on the Council continue in office until replacements are appointed.

Nothing herein contained shall affect the term of the chairperson, vice-chairperson and other officers if said person or persons are elected or reelected for a term of office; subject to reappointment by the Governor and confirmation by the Senate.

#### Section 2

Upon expiration of a term of membership, a year must elapse before a Council member may be eligible to be reappointed by the governor, except that 1) the directors of the University Center for

Excellence in Developmental Disabilities and the protection and advocacy program may serve consecutive terms, 2) state agency representatives may serve consecutive terms, 3) and officers may serve consecutive terms as per Article V, Section 1.

Section 3 Vacancies shall be filled as they occur, from nominations obtained from the general public and Council members. Their terms shall be for the unexpired term of membership office. If the unexpired term of membership office is less than one-and-a-half years, the Council member is eligible to be reappointed for a consecutive term of membership office.

**Article VI Officers and Duties of Officers**

Section 1 The officers of the Council shall be the chairperson, vice-chairperson, ~~treasurer, secretary and parliamentarian until October 2007 at which time the officers shall be the chairperson, vice-chairperson, the~~ chairpersons of the Self-Determination/Community Inclusion/Housing and the Health/Education/Employment Committees and one at-large member.

Section 2 All officers shall be elected by a majority of the Council at the July meeting to serve for two years, effective October 1. No elected officer shall serve more than two consecutive terms in that office.

Section 3 When a vacancy occurs in an office due to resignation or rotation off of the Council, the chairperson shall appoint a Council member to complete the remainder of the term. In the event of the resignation of the Chairperson, the Vice Chairperson will step in to fulfill the remainder of the term of office of the Chairperson. If the Vice-Chairperson is unable or unwilling to complete the term of office of the Chairperson there will be a special election to fill the remainder of the Chairperson's term of office. Such election will be held at the Council meeting immediately following the resignation of the Chairperson. Members will be advised that there will be an election at least two weeks before the Council meeting. Nominations shall be made from the floor.

Section 4 A nominating committee shall be appointed by the chairperson at the April meeting of the Council during the council's election year. The committee shall provide notice in writing of its nominees to all council members at least 21 days in advance of the July meeting. Additional nominations may be made from the floor.

Section 5 The duties of the chairperson shall include the following:



1. To call and preside over Council meetings.
2. To be an ex officio member of all committees and task forces, with the exception of the nominating committee.
3. To appoint the chairperson and membership of all standing and ad hoc committees, with the exception of the Executive Committee. Effective October 2007 the chairpersons of the Self-Determination/Community Inclusion/Housing and Health/Education/ Employment Committees will be elected positions.
4. To make recommendations to the staff of the Council.
5. To serve as the official spokesperson for the Council.
6. To insure that the functions of the council as described in the Developmental Disabilities Assistance and Bill of Rights Act, P.L. 106-402 and its regulations are carried out.
7. Effective July 1, 2006 To appoint Council representation to attend NACDD events and other functions.
8. To provide oversight of the Executive Director's annual evaluation. *(moved from policies & procedures)*
9. To contact a Council member after that member misses two out of four Council and/or committee meetings in a year to discuss the importance of attending Council meetings and the member's ability to attend meetings. *(moved from policies & procedures)*
10. To appoint experienced Council members to serve as mentors to new Council members. *(moved from policies & procedures)*

## Section 6

The duties of the vice-chairperson shall include the following:

1. To carry out the duties of the chairperson in his/her absence.
2. To assume the duties of the chairperson, if that office is vacated, through the remainder of the term or until a special election is held.
3. To carry out other duties as delegated by the chairperson.
4. To coordinate and oversee the recommendations and selection of new Council members.

Section 7

Duties of the Chairpersons of the Self-Determination/Community Inclusion/Housing and Health/Education/Employment Committees

The duties of the Committee Chairpersons shall include the following:

1. To develop committee agenda and conduct meeting
2. To give committee report at Council meeting
3. To attend Executive Committee meetings

Duties of the Treasurer

The duties of the treasurer shall include the following:

1. To review the Council's financial statement monthly.
2. To report on the Council's financial statement at quarterly Council meetings.
3. To carry out other duties as delegated by the Chairperson.

Section 8

Duties of the At-Large Executive Committee Member

The duties of the At-Large Executive Committee Member shall include the following:

1. To represent all members of the Council on the Executive Committee
2. To attend Executive Committee meetings

Duties of the Secretary

The duties of the secretary shall include the following:

1. To concur in the minutes of the Executive Committee and Council meetings prior to distribution.
2. To carry out other duties as delegated by the Chairperson.

Section 9

Duties of Individual Council Members

Duties of individual Council Members are included in the Council's Policies and Procedures

## ~~Duties of the Parliamentarian~~

~~The duties of the parliamentarian shall include the following:~~

- ~~1. To ensure Robert's Rules of Order are followed at Council meetings.~~
- ~~2. To ensure the Open Meetings Law is followed by the Council.~~
- ~~3. To carry out other duties as delegated by the Chairperson.~~

## **Article VII**

### **Meetings and Attendance**

- Section 1 Meetings of the Council shall be held quarterly (October, January, April, and July), as called by the chairperson; unless due to extraordinary reasons a majority of the Executive Committee determines a meeting must be held in a different month.
- Section 2 A quorum for Council meetings shall consist of a simple majority of the Council members.
- Section 3 All meetings of the Council shall be open to the public in accordance with the state open meetings law.
- Section 4 *Robert's Rules of Order Newly Revised* shall govern the conduct of business in all cases in which they are applicable and not in conflict with these bylaws.
- Section 5 ~~A Council member must be present for the business/voting portion of the meeting in order to be considered present at that meeting.~~ (moved from policies and procedures) If a member is absent from three of the four quarterly Council and/or committee meetings in a twelve month period, the Executive Committee will discuss the reasons for the absence with the member and *may* ask for that member's resignation in writing. The Council Chairperson will report the Committee's action at the next quarterly Council meeting.
- Section 6 Reimbursement for travel and maintenance shall be for actual expenses incurred in attending meetings of the Council, subject to Louisiana law and regulations pertaining to travel reimbursement established by the Division of Administration and the Department of Health and Hospitals. Reimbursement of travel expenses and an hourly rate for the services provided shall be provided for a support person attending with a ~~self advocate consumer~~ member of the Council who requires such assistance to participate. All such arrangements must be negotiated with the Council Director prior to

finalization. Non-Council committee members are eligible for reimbursement for expenses incurred in attending committee meetings. Council members who are state agency representatives shall not be reimbursed by the Council.

Section 7 All official meetings of the Developmental Disabilities Council shall be accessible to participants with disabilities who may require reasonable accommodations to participate in the meeting.

**Article VIII Operations of the Council**

Section 1 The operating year of the Council shall begin on October 1 and end on September 30.

Section 2 The Council shall adopt policies and procedures which will guide its operations. ~~These will include but not be limited to issues such as: grievance, hiring, etc.~~

Section 3 The Council office and staff will be guided by internal operating policies and procedures. The Louisiana Department of Health and Hospitals' policies and procedures will be followed for classified personnel, fiscal, and contractual issues.

**Article IX Committees**

Section 1 The standing committees of the Council shall be the Executive Committee and such other committees as required to address the goals of the Council and the committee of the whole.

Section ~~2~~ 3 The chairperson of the Council shall appoint ~~select~~ members to of ~~the~~ committees taking into consideration their preferences and willingness to serve. ~~and appoint committee chairpersons until September 30, 2007 at which time committee chairpersons will become elected positions.~~

Section ~~3~~ 2 The Executive Committee of the Council shall be elected by the Council and comprised of the council chairperson, the vice-chairperson, treasurer, secretary, and parliamentarian who are elected by the council at the July Council meeting until September 30, 2007 when the make-up of the Executive Committee shall be the chairperson, vice-chairperson, chairpersons of the Self-Determination/Community Inclusion/Housing and Health/Education/Employment Committees and one at-large member.

The Executive Committee shall meet at least quarterly to carry out the following duties:

1. Taking immediate action when it is impractical to consult the full Council due to time constraints. In exercising its authority under this section, the Executive Committee shall at all times seek to implement the will of the Council and its members, and shall immediately notify the Council of the action taken and reasons therefore.
2. Reviewing the coordination of committee activities in implementing the goals and objectives of the State Plan.
3. Selecting issues for Council study.
4. Reviewing position papers for approval prior to submission to the Council.
5. Reviewing monthly financial statements as submitted by staff.
6. Conducting an annual review of the Executive Director's performance and submitting that review and recommendations for full Council consideration.

Section 4 The duties of the Council's standing committees and committee of the whole shall be to implement the goals and objectives of the Council in their respective areas.

Section 5 Ad hoc committees, caucuses, and task forces may be appointed by the Council chairperson as appropriate.

Section 6 Non-Council members may be appointed to standing committees, ad hoc committees, caucuses, and task forces by the chairperson of the Council and shall serve at the discretion of the Chair. These appointees shall refrain from making recommendations or decisions on grant applications or contracts in which they have a substantial an economic interest. If non-Council members are included in a priority committee of the Council, a 60% parent/self advocate parent/consumer majority shall be maintained. *(moved from policies and procedures)* A non-Council member shall not accept an appointment to a committee or task force if his or her organization plans to submit an application in which he or she will have a substantial economic interest.

Section 7 A Council member delegate to the National Association of Councils on Developmental Disabilities (NACDD) shall be elected by the Council membership at the April Council meeting for a term of 2 years to begin on July 1st. The delegate shall attend NACDD

~~meetings and report to the Council at the following Council meeting.  
Effective June 30, 2006 the NACDD position will be eliminated.~~

## **Article X**

### **Amendments**

Any proposed amendment to these bylaws, along with the date it is to be voted upon, shall be presented in writing to the Council at least two weeks prior to the meeting at which it is to be voted upon. A two-thirds (2/3) vote of those present and voting at a meeting at which there is a quorum will be required for ratification.