

COUNCIL BYLAWS



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Bylaws

Article I Title

The name of this body shall be the Louisiana Developmental Disabilities Council (hereafter referred to as the 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-advocacy, self-determination, independence, productivity 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, 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 Louisiana Department of Health 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 representative from a local, non-governmental and/or private nonprofit organization 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.
- E. representative from the Office of Aging and Adult Services, Office for Citizens with Developmental Disabilities and the Governor's Office of Disability Affairs

Section 5 Voting - all members shall be voting members of the Council and proxy voting shall be prohibited. All votes shall be viva voce (orally) and shall be recorded in the minutes. Council or committee member who participates virtually shall be allowed to participate and vote when they display a live feed video of their face with their first and last name during every roll call vote. All members of the Council, whether participating in person from the anchor location or via electronic means, may vote.

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

Terms of Council Membership

Section 7 A full term of Council membership shall be for a period of 4 years. For members appointed to fill a vacant position due to resignation or unexpected vacancy (i.e. death or disqualification), the term of membership 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 until replacements are appointed.

The term of the Chairperson, Vice-Chairperson and elected committee chairs shall be limited to two (2) consecutive terms in any elected role; subject to reappointment by the Governor and confirmation by the Senate.

- Section 8 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 and elected committee chairs may serve two (2) consecutive terms as per Article V, Section 7.
- Section 9 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. If the remainder of the term is one year or less, the Council member is eligible to be reappointed for a consecutive term of membership.
- Article V Officers and Duties of Officers**
- Section 1 The officers of the Council shall be the Chairperson and Vice-Chairperson.
- Section 2 All officers and standing committee chairs shall be elected by a majority of the Council at the July meeting to serve for two years, effective October 1. No elected officer or standing committee chair shall serve more than two consecutive terms in any office or elected role.
- Section 3 When a vacancy occurs in an office due to resignation, rotation off of the Council or unexpected vacancy (i.e. death/disqualification), 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. Nominations shall be made from the floor. Members will be advised that there will be an election at least two weeks before the Council meeting when possible.
- Section 4 A nominating committee, including the Chair, shall be elected by the Council or the Executive Committee at the April meeting of the Council during the council's election year (biannually or as needed). The committee shall provide notice in writing via email 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 membership of all standing and ad hoc committees, with the exception of the Executive Committee and the nominating committee.
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. To appoint Council representation to attend NACDD events and other functions.
8. To provide oversight of the Executive Director's annual evaluation.
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.
10. To appoint experienced Council members to serve as mentors to new Council members.

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.

Article VI

Meetings and Attendance

Section 1

Meetings of the Council shall be held quarterly, 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 or date.

- 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 If a member is absent from two consecutive meetings or three nonconsecutive meetings 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. If the member continues to not attend Council and/or committee meetings after the initial meeting with the Executive Committee for reasons other than extraordinary circumstances (i.e. health-related reasons, Acts of God/natural disasters etc.), the Executive Committee will submit the member's name and the number of absences to the Governor's Office of Boards and Commissions for consideration of removal if the member has not resigned. The Council Chairperson will report the Committee's action at the next quarterly Council meeting.
- Section 5 All official meetings of the Council shall be accessible to participants with disabilities who may require reasonable accommodations to participate in the meeting. Given that the Council primarily focuses on issues dealing with disabilities, there is no limitation as to the number of successive meetings via electronic means that may be conducted according to Louisiana Open Meetings Law. Therefore, all Council meetings shall be accessible via ZOOM and livestreamed on YouTube. All meetings shall be recorded, maintained and available for at least two years on the Council's YouTube Channel.

Article VII Executive Committee

- Section 1 The Executive Committee of the Council shall be comprised of the Council Chairperson, the Vice-Chairperson, Chairpersons of the Self-Determination/Community Inclusion and 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 quarterly 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 2 **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

Article VIII **Committees**

Section 1 The standing committees of the Council shall be the Executive Committee, the Self-Determination/Community Inclusion Committee and Education/Employment Committee. Act 378 Subcommittee and such other committees, including but not limited to the nominating and membership committees, will meet as required to address the goals of the Council.

Section 2 The Council shall elect Committee Chairpersons (including the standing committee Chairpersons) and the Chairperson shall appoint members to committees taking into consideration their preferences and willingness to serve.

Section 3 **Duties of the Chairpersons of the Self-Determination/Community Inclusion and 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

Section 4 The duties of the Council's standing committees and any other committees shall be to implement the goals and objectives of the Council in their respective areas. The duties of the Bylaws committee will be to annually review the bylaws and provide recommendations to the Council. Given that the Council primarily focuses on issues dealing with disabilities, committee meetings will be held via electronic means to allow for full accessibility. All members of the committee, whether participating in person from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum.

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 and serve as officers of subcommittees, 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 an economic interest. If non-Council members are included in a priority committee of the Council, a 60% parent/self-advocate majority shall be maintained.

Article IX Parliamentary Authority

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.

Article X Amendments

Any proposed amendment to these bylaws, along with the date it is to be voted upon, shall be presented in writing via email 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 adoption.