

# **COUNCIL POLICIES & PROCEDURES**



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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](#) (DD Act). The Developmental Disabilities Council (hereafter referred to as the Council) is a group of 28 citizens of Louisiana appointed by the governor. The Council is funded by the Federal government through the Department of Health and Human Services, Administration for Community Living (ACL), and Office on Intellectual and Developmental Disabilities (OIDD).

## II. Mission and Values

To increase independence, self-determination, productivity, integration, and inclusion for Louisianans with developmental disabilities by engaging in advocacy, capacity building, and systems change.

### 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. 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 and asks other organizations to also solicit applicants.

The Council accepts applications for prospective membership year round, but publishes a deadline for consideration for that year's member appointments and any vacancies.

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

The Council Chair appoints a membership committee. The membership committee reviews the applications, conducts interviews and nominates candidates for Council approval. If an applicant requires any accommodations to fully participate in the application process, they can make the request to Council staff. After Council approval, the recommendations are submitted to the Governor's Office of Boards and Commissions. The Governor makes the appointments of his/her choice. All gubernatorial appointments to boards and commissions must be confirmed by the State Senate in the next regular legislative session or risk being un-appointed.

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

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 annually for new Council members and nominees whose names have been recommended to the Governor for appointment.

Nominees awaiting appointment by the Governor shall be invited to attend and participate in Council and committee meetings as special guests where they acquire valuable "on the job" training to help prepare them for Council membership. Nominees shall be included at the Council meeting table where they can observe and participate in discussion as guests when recognized by the Chairperson.

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

## IV. Council Member Responsibilities

Each Council member shall:

### Plan, Implement, and Monitor the Plan

Actively participate in planning, implementing, and monitoring the Five Year Plan and Annual Action Plans

- Listen to other people in the state who live with developmental disabilities or serve those who do.
- Incorporate perspectives from other people with developmental disabilities into the Council plan and actions.
- Attend Council meetings and Committee meetings as scheduled. (A Council member must be present for the business/voting portion of the meeting in order to be considered present at that meeting. As stated in the bylaws, 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. Please refer to the bylaws for detailed information on unexcused absences.
- Notify Council staff as soon as possible if you are unable to attend a meeting(s) so quorums are met.
- Actively participate in Council and Committee meetings as scheduled.
  - Approve and monitor budgets of contract initiatives.
  - Follow the progress of initiatives.
  - Prepare for Council and Committee meetings by reading the agendas and supporting material prior to the meeting.
  - Participate in discussion and vote on matters during the meeting of the Council and assigned standing committee and any ad hoc committees.
  - Keep use of electronic devices during meetings to a minimum because attentive participation is necessary to accomplish the Council's work.
  - Participate in the development of Council positions on matters of public policy.

### Build a Stable, Competent, and Active DD Council

Critical to the success of the principles of the DD Act is a strong, independent and vigorous Council run by and responsive to people with developmental disabilities, functioning in the public trust. The Council will only be as effective as its individual members.

- Recruit potential members for Council vacancies.
- Participate in orientation and training sessions.
- Mentor new members.
- Provide input on emergent issues with programs and develop recommendations for agency representatives to address issues.

- Set an example for other advocates by being an active member of the Louisiana Council's Advocacy Network (LaCAN) and participating in local activities sponsored by the Council, LaCAN, or other Council initiatives (Council's goal is 100% participation of parent/self-advocate members.).
- Serve on Council Ad Hoc Committees, as needed.
- Serve on other statewide groups. (Council staff will announce these opportunities.)

#### Ensure Integrity and Enhance the Council's Public Standing

Council members must meet legal and ethical requirements for public officials and follow conflict of interest policies to ensure the public trust. Members should enhance the Council's public standing by promoting the Council's mission, philosophy and accomplishments.

- Submit financial disclosures to the Louisiana Board of Ethics by May 15<sup>th</sup> each year for the previous year.
- Complete annual Louisiana Ethics training by December 31<sup>st</sup>.
- Complete and return the Senate confirmation questionnaire to the senate boards and commissions office, and have filed tax returns for the past five years. Failure to return the notarized and witnessed questionnaire or not resolving tax issues will result in denial of Senate confirmation.
- Adhere to the conflict of interest policy to avoid real or perceived conflicts of interest. (Conflict of interest policy is included in the Council's bylaws and policies and procedures.)
- Display transparency and accountability regarding all funding, activities, accomplishments, and challenges.
- Monitor the operating budget.
- Adhere to and advocate for the Council's mission and philosophy of self-determination, independence, productivity, integration and inclusion of persons with developmental disabilities in the community. In all cases in which a Council member is speaking as a Council member or on behalf of the Council, adhere to positions sanctioned by the Council membership. No member shall represent his or her personal opinion as that of the Council.

Officer duties are provided in the Council Bylaws.

#### Transition Period

To ensure a smooth transition, the outgoing Chairperson shall provide incoming Chairperson with guidelines and information for fulfilling responsibilities for Council Chairperson at least two months prior to the new Chairperson chairing a meeting.

## **V. Selection Process for Executive Director**

1. During a vacancy of the Executive Director, the Executive Committee will appoint an interim Executive Director and provide the Interim budget authority.
2. The Executive Director is hired through the following process:
  - a. The Louisiana Department of Health Human Resources shall publish the Executive Director position and collect applications.
  - b. The Search Committee, appointed by the Council Chairperson, will develop

- protocol including detailed procedures, updating the job description, developing a salary range and deadlines for hiring the Executive Director to be approved by the Full Council.
- c. The Search Committee shall review the applications, interview the applicants and recommend the top candidates to the Council.
  - d. All Council members shall be notified of the meeting for selection of the Executive Director. The Council shall meet and interview those candidates recommended by the Search Committee.
  - e. The Council Chairperson will offer the candidate who receives the majority vote of the attending Council Members (in person or virtually) the Executive Director position.

## **VI. Evaluation Process for Executive Director**

1. The Executive Director will annually review the responsibilities outlined in the job description and recommend updates/changes as needed. .
2. The Executive Committee develops an evaluation format based upon the job description to be approved by the Full Council. The following shall be applied to each job responsibility:
  - a. Exceeds Expectations (4) Meets Expectations (3) Needs Improvement (2)  
Unsatisfactory (1)
3. A newly hired Executive Director will be evaluated on a quarterly basis by the Executive Committee for the first year of employment. The Executive committee will complete an anonymous survey and the Chair will complete a summary to provide to the Council. Thereafter, the Executive Committee will determine if quarterly evaluations are necessary.
4. An annual survey will be sent out to the Full Council prior to the January Council meeting. The results of the survey will be submitted to the Executive Committee for use during their evaluation of the Executive Director. The survey shall be anonymous with the option to self-identify. The survey will be updated and/or changed as needed.
5. In January, the Executive Committee will evaluate the Executive Director based on the job description and feedback from Council members. The Chairperson will present the full results with any recommendations (including salary increase) to the Full Council for consideration at the January meeting.
6. In July, the Executive Committee will conduct a mid-year evaluation, providing feedback to the Executive Director. The Chairperson will present the full results to the Full Council at the July meeting.

## 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. Standing Committees of the Council usually meet the last Wednesday of the month in each quarter (January, April, July and October). On the following 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.

An announcement of Council meetings is emailed through the Council's listserv. 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 emails a packet of materials to Council members for their review prior to each Council meeting and posts the materials on the Council's website. A hard copy of the packet is provided to members at the meeting, but members who plan to attend meetings virtually can request a hard copy be mailed to them.

The Executive Director, Administrative Assistant and professional staff shall attend Council meetings. Council staff 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 in-person shall be provided seating away from the Council meeting table. During the meeting, public comment will be taken before all votes and during the designated times on the agenda. At the discretion of the Chair, public comment may also be heard when applicable. The Chair has the discretion to enforce a time limit to public comment. If the rule is enforced, the staff will keep track of the time by using a timer-system. Guests will also have an opportunity to speak for five minutes at the end of each meeting at a time designated on the agenda. Those wishing to speak at the end of the agenda shall make their request known to the Chairperson. Public comment may also be submitted via the Council's website.

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 Council's Designated State Agency (DSA). Reimbursement of travel expenses and an hourly rate for the services provided shall be provided for a support person attending with a



self-advocate member of the Council who requires such assistance to participate as needed. 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.

## 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. The calendar will be maintained on the website and shared at the quarterly Council meeting.

## IX. Committees

The Council shall have Standing and Ad Hoc committees to address the objectives of the plan and functions of the Council. Standing committees are normally held quarterly, but additional meetings may be scheduled as needed. Ad Hoc committee meetings meet throughout the year as needed. The duties and membership of the committees are addressed in the Council's Bylaws.

An announcement of Standing and Ad Hoc meetings is emailed through the Council's listserv. In accordance with the state Open Meetings Law, the committee meeting agenda is posted on the Council's website and outside the committee meeting room.

Any two members can request, in writing, to the Committee Chair and Chair of the Council to schedule a committee meeting. The Chair of the committee should schedule a meeting, but if not, the Chair of the Council should schedule the meeting.

## X. Council Funding

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

Engage in advocacy, capacity building, and systemic change activities that contribute to a coordinated, person-centered and directed system of community services and supports.

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:

Solicit public input prior to development of the Five Year State Plan 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 LaDDC News when the Council will accept proposals to be considered for inclusion in the Council's Five Year Plan. 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 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 in writing.
- 2 The Executive Director shall have the authority to obligate funds on non-operating expenditures up to \$1000. Non-operating budget expenditures from \$1000 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 person-centered practices and achieving the quality of life outcomes we seek, therefore, we shall seek and support collaboration with Disability Rights Louisiana (DRLA), the Human Development Center (HDC), 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.

DRLA, the HDC, and other organizations will be invited to participate in Council sponsored groups.

Staff and Council members will accumulate relevant information from national and local networks and share with all Council members when appropriate.

## **XII. Conflict of Interest**

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 Council, but is made in response to outside influences. Outside influences can include, but are not limited to, 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 Council staff by blood or marriage.
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.
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).

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.
8. No member shall use a portion of his or her salary as match for a Council grant or contract
9. Members who are candidates for or incumbents of elected or appointed office shall not use their official positions on the Council for purposes related to their election, re-election, appointment or reappointment.
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.

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.

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.

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.

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.

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. A member who has disclosed or been determined to have a conflict of interest must not in relation to the matter in conflict:
  - i. participate in the selection process, negotiation, administration or evaluation of grants and contracts; 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.

### **XIV. Authority of Executive Director**

The Executive Director, and Deputy Director in his/her absence, shall have the authority to take or change a position on policy issues requiring action when there is insufficient time and/or it is not feasible to convene the Executive Committee as long as those positions are in line with the Council's mission and values.

### **XV. Council Member Stipend**

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

Council members wishing to apply for a stipend shall complete a stipend request form and submit it to the Council office. The Executive Director and Council Chairperson shall have the responsibility for considering and making a decision on all stipend requests. The Executive Committee shall have responsibility for considering and making a decision on all out-of-state stipend requests unless time does not permit. In that case, the Executive Director and Council Chairperson will make a decision on the request and immediately notify the Executive Committee.

Council members' attendance at committee and Council meetings shall be taken into consideration. All decisions are final.

Council members receiving a stipend to participate in an event shall report on the event at the following Council meeting. The Council Chair will report on the status of the stipend fund in the Chairperson's report at each Council meeting.