

# **New Jersey Council on Developmental Disabilities**

## **Bylaws**

### **Proposed Revisions July 2017**

#### **ARTICLE I. NAME**

- A. The name of this body shall be the New Jersey State Council on Developmental Disabilities.

#### **ARTICLE II. AUTHORIZATION**

- A. The Council is authorized under the Developmental Disabilities Assistance and Bill of Rights Act (DD Rights Act), P.L. 106-402, as subsequently amended and numbered.
- B. State authorization of the Council is under P.L. 1979, chapter 105, as amended.
- C. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the State Council on Developmental Disabilities is allocated within the Department of Human Services, but, notwithstanding said allocation, the Council shall be independent of any supervision or control by the department or any board or officer thereof, or any other cabinet level department, board or officer thereof.

#### **ARTICLE III. PURPOSE, MISSION AND VISION**

- A. In accordance with the DD Rights Act, the purpose of the Council on Developmental Disabilities is 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 that promote self-determination, independence, productivity, integration and inclusion in all facets of life through culturally competent programs.
- B. Consistent with its purpose, the mission of the Developmental Disabilities Councils, according to federal law, is to engage in advocacy, capacity building and systemic change activities that contribute to a coordinated, consumer- and family-centered, consumer-and family-directed comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families.
- C. The Vision of the NJ Council on Developmental Disabilities is that all individuals with developmental disabilities are participating, equally-included members of their neighborhoods and communities; make real choices and have control over their own lives; have the freedom to strive, excel, and make mistakes; are in a position to achieve personal goals, are in a position to affect policy and process decisions that affect their lives; and

have the same rights, privileges, responsibilities, and opportunities of citizenship as does any other New Jersey resident.

#### **ARTICLE IV. DUTIES**

- A. The DD Rights Act delineates the following responsibilities for Councils on Developmental Disabilities:
1. The Council shall serve as an advocate for individuals with developmental disabilities **and conduct or support programs, projects, and activities that carry out the purpose of the DD Rights Act.**
  2. **The Council shall determine annually the extent to which each goal of the Council was achieved, barriers that impeded achievement of the goal, amendments to the goals, and customer satisfaction with Council supported or conducted activities.**
  3. The Council shall develop the State plan and submit the State plan to the Secretary of the U.S. Department of Health and Human Services after obtaining assurances from the N.J. Department of Human Services that the plan is consistent with state law.
  4. The Council shall implement the State Plan by conducting and supporting advocacy, capacity building, and systemic change activities.
  5. **The Council shall periodically review the New Jersey Division of Developmental Disabilities and activities sponsored by the Council carried out by the Division and make any recommendations for change to the Governor.**
  6. The Council shall annually prepare and transmit **to the Secretary a report containing information about the progress by the Council in achieving the goals of the Council.**
  7. The Council shall prepare, approve, and implement a budget.
  8. **The Council shall, consistent with state law, recruit, and hire a Director of the Council, should the position of Director become vacant, and annually evaluate the Director.**
- B. **The DD Rights Act states additional permissive activities of the Council.**
1. **The Council may support and conduct activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families.**
  2. **The Council may support and conduct activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.**

3. **The Council may support and conduct activities to eliminate barriers to access and use of community services by individuals with developmental disabilities, enhance systems design and redesign, and enhance citizen participation.**
4. **The Council may support and conduct activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations.**
5. **The Council may support and conduct, on a limited time basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are part of an overall strategy for systems change.**
6. **The Council may support and conduct other advocacy, capacity building, and systemic change activities to promote the development of a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of the DD Rights Act.**

## **ARTICLE V. MEMBERSHIP**

- A. The Council shall consist of a minimum of 25, but no more than 30, voting members.
- B. Membership on the Council shall be divided into three classifications:
  1. **Public Members**
  2. **Representatives of state agencies**
  3. **Federally mandated members**
- C. Public Members
  1. No less than 60% of the members of the Council shall be public members who are residents of New Jersey and appointed by the Governor and confirmed by the State Senate.
  2. Terms of Office
    - a. Public members serve at the pleasure and discretion of the Governor, who can appoint and remove any member at any time.
    - b. A standard term for public members is three years with the possibility of reappointment for two additional three year terms.

- c. Regardless of any stated term, public members continue to retain full voting membership until their resignation, removal, or until the Governor appoints a successor and the successor is qualified.
  - d. Public members of the Council who wish to resign during a current term shall notify in writing the Council Chair or the Council Executive Director, who will forward the resignation to the Governor's office.
3. Qualifications for Public Members
- a. One third of the Public Members shall be individuals with developmental disabilities; and
  - b. One third of the Public Members shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities; and
  - c. One third of the Public Members shall be a combination of individuals with developmental disabilities, parents, or guardians of children with developmental disabilities and immediate relatives or guardians of adults with developmental disabilities.
  - d. **At least one public member shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.**
  - e. An individual who is an employee of a State agency that receives funds or provides services under Title 1, Subtitle B, of the DD Rights Act, or who is a managing employee (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a-5(b)) of any other entity that receives funds or provides services under Part B of the DD Rights Act may not be a public member.
4. One additional public member shall be a representative of local and non-governmental agencies, or private nonprofit groups concerned with services for individuals with developmental disabilities.
5. At the beginning of each State fiscal year, the Council shall forward to the Governor a list of all public members, their category of membership, date of first appointment to the Council, date(s) of any subsequent reappointment(s), as well as the number of vacant positions.
6. Self-advocates and family members who are members of the Council may forward recommendations for new public members of the Council to the Governor for the Governor's consideration.

D. Representatives of State Agencies

1. **Seven** members of the Council shall be representatives of State **agencies who shall serve ex officio at the pleasure of the Governor.**
2. **Five representatives shall be from** designated entities that administer funds provided under federal laws related to individuals with developmental disabilities, including:
  - a. The Rehabilitation Act of 1973, currently the Division of Vocational Rehabilitation Services.
  - b. The Individuals with Disabilities Education Act, currently the Department of Education.
  - c. Title V of the Social Security Act (**Material and Child Health Services Block Grant**), currently the Department of Health and Senior Services.
  - d. The Older Americans Act of 1965, currently the Department of **Human Services.**
  - e. Title XIX of the Social Security Act (**Medicaid**), currently the Division of Medical Assistance & Health Services.
3. There shall be two additional State agency representative members as follows:
  - a. A representative from the Division of Developmental Disabilities, and
  - b. A representative from the Division of Disability Services.

J. Federally Mandated Members

1. Council membership shall include federally mandated representatives **selected by the head of the respective agencies** as follows:
  - a. One representative from the University Center for Excellence in Developmental Disabilities Education, Research, and Service, and
  - b. One representative from the State protection and advocacy system.

K. Federally mandated members and State entities may appoint in writing, a designee who has immediate access to the appointed member and has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program. Official designees of federally mandated members of agencies and organizations have the same right to participation and voting as the member they represent.

L. Council members shall serve without compensation but shall be reimbursed for reasonable and necessary expenses (including expenses for travel, child care and personal assistance) for attending Council meetings, other approved meetings and trainings, and performing Council duties.

## **ARTICLE VI. OFFICERS**

### **A. Council Chairperson**

1. The Chairperson of the Council shall be appointed by the Governor.
  - a. The Governor-appointed Chairperson must be a person with a developmental disability or a family member or guardian of a person with a developmental disability.
2. The duties of the Chairperson shall be to:
  - a. Preside at all meetings of the Council
  - b. Supervise the Executive Director, and with input from the Executive Committee, conduct an annual performance evaluation of the Executive Director
  - c. Represent and be a spokesperson for the Council at various national, state and local functions
  - d. Appoint the chairs of all standing committees, subcommittees and ad hoc committees of the Council
  - e. Chair the Executive Committee
  - f. In the case of excessive absences of federally mandated agency and organization members, contact the appropriate individual to assure representation of their department or agency.
  - g. On behalf of the Council, sign assurances for the State Plan.

### **B. Council Vice-Chairperson**

1. The Vice-Chairperson shall be a member of the Council who is person with a developmental disability or the family member or guardian of a person with a developmental disability.
2. The Vice-Chairperson shall be elected by a simple plurality of the Council members.
3. The duties of the Vice-Chairperson shall be to:
  - a. Preside in the absence of the Chairperson at all meetings of the Council
  - b. Serve on the Executive Committee of the Council
  - c. Carry out the other duties of the Chairperson should the Chairperson be unavailable or unable to carry out such duties.

## ARTICLE VII. COMMITTEES

### A Executive Committee

#### 1. Membership

- a. Chairperson of the Council
- b. Vice Chairperson of the Council
- c. Chair of the State Plan Committee
- d. Chair of the Public Policy Committee
- e. Chair of the Grants Committee
- f. One Council member elected at large by a simple plurality of the Council members.
- g. One additional member may be selected by Chair of Council from any category of membership

#### 2. Duties and responsibilities

- a. Act on behalf of the full Council in all matters concerning the Council when it is not possible for the full Council to meet.
- b. Assure ongoing policies and procedures are in place and implemented consistently within Council bylaws and State and Federal mandates.
- c. Oversee the Council's administrative and programmatic budgets.
- d. Monitor the Memorandum of Understanding between the Council and the Department of Human Services.
- e. Report to the Council on the above activities.
- f. Monitor and supervise the Council's Standing and Ad Hoc Committees.
- g. Provide input to the Council Chair on the annual performance evaluation of the Executive Director.
- h. Review mini-grants **and make recommendations for approval to the Council.**
  - (1) **Mini-grant awards shall not exceed \$10,000 and applicants are limited to one award during the Council's fiscal year.**

#### 3. Confidentiality

- a. Executive Committee members shall maintain confidentiality in all aspects of its role and responsibilities pertaining to personnel and contract matters.

### B. Standing Committees

1. All Council members shall serve on a standing committee subject to appointment by the Council Chairperson.

2. General Rules

- a. Committees exist with the consent of Council, and their work is subject to approval of the full Council.
- b. Standing committees shall meet at a date, time, and location determined by the Chair of the committee.
- c. **Standing committees shall monitor any subcommittees assigned to them.**
- d. Chairs of committees shall report to the Council on a regular basis.
- e. If the number of members of any committee is equal to or larger than the number of members required for a quorum of the full Council, the meetings of the committee may be subject to the Open Public Meetings Act.

2. Membership

- a. The Chairperson of the Council shall appoint the Chairs of the standing committees at the annual meeting or whenever there is a vacancy.
  - (1) Only members of the Council who are persons with a developmental disability or the family member or guardian of a person with a developmental disability may chair a standing committee.
- b. The Chairperson of the Council shall appoint the members of the standing committees.
  - (1) Only Council members or the designees of state agency representatives or federally mandated members may serve as members on standing committees.

3. The following are designated standing committees of the Council:

- a. Public Policy Committee
  - (1) The members shall be responsible for reviewing legislative and public policy materials supplied by Council members, staff, and other sources.
  - (2) The members shall discuss and **recommend** positions the Council may take on issues that affect people with developmental disabilities and their families.
- b. State Plan Committee
  - (1) The members will periodically review the progress towards completion of the current 5-year plan.
  - (2) The members will participate in revisions of the five-year plan, due August 15 of each year.

- (3) The members will gather data and information for the five-year plan. The planning for the new five-year plan will **at least** begin two years before it is due.
  - c. Grants Committee
    - (1) The members of the Grants Committee shall have no conflict of interest or perceived conflict of interest with any of the potential grantees in the current grants cycle.
    - (2) The members will oversee the development of the Letters of Interest (LOI) and the Request for Proposals (RFP).
    - (3) The members shall read, evaluate, and meet with other committee members to discuss the LOI's and RFP's **and to make recommendations to the full Council for funding.**
    - (4) The members will receive regular updates on current grantees and make recommendations to the full Council regarding continued funding.
4. Subcommittees
  - a. Membership
    - (1) Membership of subcommittees of Council standing committees may include Council members, Council staff, and any member of the public who has an interest in the issues being addressed by the subcommittee on behalf of people with developmental disabilities and their families.
    - (2) The Chair of a subcommittee shall be a member of the DD Council appointed by the Chair of the Council.
  - b. Duties and responsibilities
    - (1) Subcommittees shall be assigned to and shall report to a Council standing committee.
    - (2) Subcommittees shall have no financial authority or responsibility.
    - (3) Standing committees shall meet at a date, time, and location determined by the Chair of the committee and convenient for the members.
7. Ad Hoc Committees
  - a. Membership
    - (1) The Chair of an Ad Hoc Committee shall be a member of the Council and appointed by the Council Chairperson.
    - (2) Membership of a Council Ad Hoc Committee may include Council members, Council staff, and members of the public who have expertise in the issue being addressed.
  - b. Duties and responsibilities

- (1) An Ad Hoc Committee may be established for a particular purpose by the Council Chairperson.
- (2) The minutes of the Council meeting where the Ad Hoc Committee is formed shall include a statement of the purpose of the Ad Hoc Committee and the date when the Ad Hoc Committee shall be disbanded.
- (3) An Ad Hoc Committee shall report to and be under the guidance of one of the Council's Standing Committee.
- (4) An Ad Hoc Committee shall have no financial authority or responsibility.
- (5) An Ad Hoc Committee shall meet at a date, time, and location determined by the Chair of the Ad Hoc Committee and convenient for the members.

## **ARTICLE VIII. COUNCIL MEETINGS**

### **A. Annual Meeting**

1. The first Council meeting held on or after July 1 of each year shall be the Council's annual meeting.
  2. **The elections for Council Vice-Chairperson and At-Large Member of the Executive Committee shall take place at the annual meeting.**
    - a. **If a vacancy occurs for either Council Vice-Chairperson or At-Large Member of the Executive Committee a special election shall be held at the next regularly scheduled Council meeting. The individual elected in the special election shall serve until the next annual meeting.**
    - b. **Nominations for Council Vice-Chairperson and At-Large Member of the Executive Committee shall be opened at the regular meeting of the Council before the annual meeting.**
    - c. **Individuals nominated shall, before the election, confirm to the Council Chairperson or the Executive Director their willingness to serve if elected.**
    - d. **Individuals nominated may submit a statement up to 50 words to be included on the written ballot.**
- C. The Council shall meet a minimum of **four times** a year.
- D. Except as may otherwise be provided in these bylaws, the business of the Council shall conform to Roberts Rules of Order.
- E. Council Meetings shall comply with the requirements of the Open Public Meetings Act.
- F. An opportunity will be allocated at each public Council meeting to permit individuals who are not Council members to address the Council.

- G. Special meetings may be called by the Council Chairperson, or by Executive Committee if the position of Council Chairperson is vacant.
- H. The Council will provide necessary support and accommodations to Council members to ensure meaningful participation in all Council meetings and activities
- I. Members will receive agenda, minutes of previous meeting, and any other relevant materials at least 10 days before scheduled meetings and at least 24 hours prior to a special meeting.

#### **ARTICLE IX. QUORUM AND VOTING**

- A. One-half of all current members, excluding vacant positions and previous members who have resigned, plus one shall constitute a quorum.
- B. Each Council Member shall have one vote.
- C. Council members who are unable to attend a Council meeting may participate and vote using available technology, including teleconferencing or videoconferencing, upon notification to the secretary within three days of a scheduled Council meeting. If less than three days' notice is given of the member's inability to attend the meeting in person, the ability of the Council member to participate and vote by teleconferencing cannot be guaranteed.
- D. The Council may authorize by majority vote of the members present, a vote by mail or other electronic means.
- E. Mail in and/or electronic votes on urgent matters may be authorized by the Executive Committee.

#### **ARTICLE X. ATTENDANCE**

- A. Council members are expected to attend all Council meetings.
- B. A Council member who is unable to attend a regular or special meeting of the Council must notify the Chair of the Council or Council staff, by telephone or email prior to the meeting. **A committee member who is unable to attend a committee meeting** must notify the Chair or Council staff of the committee by telephone or by email prior to the meeting.
- C. A Council member who is absent from two consecutive meetings of the Council shall receive a letter from the Chair of the Council inquiring about the member's desire or ability to continue to serve as a Council member.
- D. The Chair of the Council will notify the Governor if a member is absent from three consecutive meetings of the Council and has not received prior authorization for the absence from the Chair of the Council.

## **ARTICLE XI. COUNCIL STAFF**

### **A. Appointment and Supervision of Executive Director**

1. The Council shall, consistent with State law policies, hire an Executive Director of the Council. The Executive Director shall be supervised and evaluated by the Council Chairperson, with input from the Executive Committee on the annual performance evaluation.

### **B. Duties of the Executive Director**

1. The Executive Director shall hire and supervise the staff of the Council.
2. The Executive Director is responsible for carrying out the policies and objectives established by the Council.
3. The Executive Director's primary duties include working closely with the Council and its Chair in developing and implementing a specific and measurable state plan that meets the requirements of the Developmental Disabilities Act.
4. The Executive Director is responsible for assuring that the Council is in compliance with all laws, all applicable federal and state regulations, and guidelines pertaining to the Developmental Disabilities Act.
5. The Executive Director serves as a primary liaison with the New Jersey Congressional Delegation, the New Jersey Legislature, department heads, service providers, and general public and is also responsible for keeping the Governor's office apprised of the work of the Council.
6. The Executive Director is responsible for day to day operations of the Council including fiscal responsibilities.

### **C. Other Staff**

1. The Council shall have personnel adequate to insure that the Council has the capacity to fulfill its responsibilities.

## **ARTICLE XII. COUNCIL OPERATING YEAR**

- A. The Council fiscal year shall be the federal Fiscal Year, October 1 through September 30.

## **ARTICLE XIII. COUNCIL BYLAWS AND AMENDMENTS**

- A. Proposed amendments to these bylaws may be presented in writing by any member of the Council at any meeting of the Council for consideration and action at the following meeting.

- B. Adoption of amendments to the bylaws shall require the approval of a two-thirds majority of the members present at a Council meeting at which a quorum is present.
- C. The bylaws shall be reviewed every three years and when changes in federal or state law require review.

#### **ARTICLE XIV. ETHICAL STANDARDS**

- A. **No member or staff of the Council shall represent themselves as speaking on behalf of the Council unless specifically authorized to do so.**
- B. No Council member, designee, or non-member who participates in Council activities, shall conduct themselves in a manner that either is or has the appearance of a conflict of interest.
- C. Council members and designees are expected to read the Department of Human Services' Code of Ethics, the Uniform Ethics Code, and the Plain Language Guide to New Jersey's Executive Branch Ethics Standards, and sign a statement annually that they will abide by those standards. There should be an annual briefing for all Council Members on the Code of Ethics.
- D. As part of their orientation, new Council members will be instructed how to access the self-tutorial on the state ethics commission website. Council staff will provide assistance as needed.
- E. Council members are considered Special State Officers and therefore must complete and file a Financial Disclosure Statement within 120 days of assuming office. Updated statements are due on May 15th of each subsequent year.