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 Governor

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## COUNCIL OPERATIONS Policy No. 103

**A. ANNUAL COUNCIL COMPOSITION:** The Membership Committee shall develop and review annually Council membership composition and make it available to the Governor when considering appointments. Composition policy and Council members representing specific interests shall be as follows pursuant to federal and state law:

1.	The agency administering funds under the federal Rehabilitation Act—Vocational Rehabilitation	1
2.	The agency administering funds under the Education of Individuals with Disabilities Act—Special Education.	1
3.	The agency administering funds under Title XIX of the Social Security Act—Health and Welfare/Medicaid	1
4.	The agency administering funds under the Older Americans Act—Office on Aging.	1
5.	The university center for excellence in developmental disabilities education, research and service - University of Idaho - U.C.E.	1
6.	The state protection and advocacy agency—Disability Rights Idaho (DRI).	1
7.	Local agencies concerned with developmental disabilities.	1
8.	Non-governmental and private organizations concerned with developmental disabilities and private, nonprofit organizations concerned with developmental disabilities.	1
9.	Persons with a developmental disability, at least five (5).	5-6
10.	Persons who are parents, relatives, or guardians of individuals with a developmental disability, at least seven (7).	7
11.	A person who is an immediate relative or guardian of a person with a developmental disability who is or who has been in an institution.	1
12.	The agency administering funds under Title V of the Social Security Act—Health and Welfare/Maternal and Child Health	1
	<b>TOTAL</b>	<b>23</b>

**B. MEMBERSHIP ORIENTATION:** The Membership Committee Chair or Executive Director shall conduct an orientation for all new and any interested current Council members each year prior to the summer quarterly Council meeting. The orientation meeting shall be evaluated by all members receiving the orientation and by the Membership Committee Chair.

**C. MEMBER TERMS:** Members shall serve three year terms, or the remainder of the term of the member they replaced if such is the case. A member can only serve up to three (3) full three-year terms. A member appointed to the Council to serve the remainder of a term for a vacant position may apply for a fourth term if their total years of service is less than nine years at the end of their third term. These term limits apply to the following Council positions listed in Section A. Council Composition:

7. Local agencies concerned with developmental disabilities.
8. Non-governmental and private organizations concerned with developmental disabilities and private, nonprofit organizations concerned with developmental disabilities.
9. Persons with a developmental disability.
10. Persons who are parents, relatives, or guardians of individuals with developmental disability.
11. A person who is an immediate relative or guardian of a person with a developmental disability who is or who has been in an institution.

**D. MEMBER RECRUITMENT:** The Membership Committee shall maintain procedures for Council membership recruitment and make appropriate recommendations to the Council. The Membership Committee shall receive nominations for Council membership at any time but planned public recruitment efforts shall be performed after the Council's second quarter meeting.

1. Announcements and other methods of recruiting interested persons to apply for membership shall be made as determined by the Membership Committee but at a minimum include an announcement on the Council's Web site in a timely manner.
2. Individuals shall complete a brief standard application form which shall be sent to the Chair of the Membership Committee via the Council office. Current members who wish to be considered for reappointment must submit an updated application indicating their desire to serve an additional term to the Chair of the Membership Committee by March 1.
3. The Membership Committee Chair or designee(s) and Council staff shall conduct interviews of all applicants, summarize the information and present it to the full committee along with the completed application form.
4. Applicants will be ranked individually by the Membership Committee. The results of the individual ranking shall be numerically tabulated and summarized by Council staff and reported to the full committee. References will be checked for the top applicants.
5. Names and applications of all applicants with recommendations shall be forwarded to the Governor's Office by the Membership Committee Chair.
6. A listing of the names of nominees forwarded to the Governor's Office shall be kept on file at the DD Council office for a period of at least one (1) year.

7. When vacancies occur, the Membership Committee Chair shall inform the Governor's Office of the vacancy and include a listing of prospective nominees, either new or on file. The Membership Chair shall indicate the area of representation and geographic area in which the vacancy exists and request that the Governor fill the vacancy from the appropriate category on the list submitted. It is understood that the Governor may appoint individuals who are not on the list submitted by the Council.
8. Council applications and recommendations shall be treated confidentially.

**E. MEMBER AGREEMENT:** Each Council member shall sign a Council Member Agreement form acknowledging their understanding of Council member expectations.

**F. ADMINISTERING AGENCY AND COUNCIL ROLES/RESPONSIBILITIES:** The Council Chair and Executive Director shall work with the administering agency as required to review, interpret, and implement the roles and responsibilities as set out in federal law in the Developmental Disabilities Act. These respective roles will be outlined in a Memorandum of Understanding between the Council and the Designated State Agency.

**G. COUNCIL STATE AGENCY REPRESENTATIVES AND PARTICIPATION:**

Agency participation is mandated by federal and state law to enhance cooperation and coordination between the Council and human service agencies. Agency representatives shall regularly alert the Council or staff about issues or agency activity affecting Idahoans with developmental disabilities. These activities include but are not limited to: legislative activity; regulation changes; budgets; policy/program changes; funding base changes; and requests for assistance. Agencies may share general information or may request assistance for active intervention of the Council in agency-related issues. As with any Council member, agency representatives should participate fully in Council activities where there is no conflict of interest.

**H. ENDORSEMENTS:** The Council shall, upon request, endorse either verbally or in writing the efforts of other entities/groups/organizations when deemed appropriate by the Council Chair and Executive Director

**I. COUNCIL AFFILIATES AND NETWORK:** The Council shall maintain involvement and membership as necessary with organizations, agencies, and committees to accomplish its goals and objectives. At each Council meeting those Council members that represent the Council on non-Council boards, councils, committees relating to services for persons with disabilities shall report the activities and policies of these groups for Council consideration and/or action as necessary.

**J. TELEPHONE COMMUNICATION:** Council members should contact the Executive Director whenever necessary as related to a specific Council issue or operation. Any Council member shall be allowed to seek reimbursement for any telephone call made to another member for Council business only, or a non-Council member if directly related to Council business. Each Council member's request shall be reviewed by the Executive Director and, when in the judgment of the Executive Director, reimbursement requests

become excessive or of general concern, the reimbursement record and related situations shall be reviewed by the Membership Committee Chair or Council Chair.

**K. EMAIL COMMUNICATION:** Council members shall use email communication as a supplement to telephone and mail as a means of exchanging information.

1. **EMAIL COMMUNICATION:** Council members with email access will provide their email address to the Council office so that they may receive communications. If members change email addresses or interrupt service, they should notify the office to ensure that communication can be maintained by other means.
2. **EMAIL ACCESS:** The Full Council may annually approve a sum of money that shall be available for providing email services to Council members based on need and use. Payment for these services will be on a reimbursement basis and will require documentation. Council members needing this assistance shall make a written request, with costs, in advance of submitting the reimbursement requests.

**L. TRAVEL/LODGING/MEALS:** Council members shall be reimbursed for travel, meals, and child or adult care costs in order to participate in Council functions. Council shall not support day care costs for children that normally attend day care.

1. Reimbursement rates shall be according to state established rates for applicable items or activities. For day care, the rate shall be according to the prevalent rate in the local area. In the event there appears to be excessive or abusive requests for reimbursement, the most recent request shall be reviewed by the Membership Committee.
2. Mode of transportation shall be that which is most economically feasible, yet most convenient for each member as determined by the Executive Director.
3. Rental of automobiles by Council members for travel must be pre-authorized by the Executive Director.
4. Council members shall stay in designated lodging facilities for Council activities. Council staff shall identify and reserve all accommodations necessary for any Council function unless otherwise assigned.
5. Council staff will contact members in advance of schedules meetings/functions regarding their travel needs. This contact will be made via email and/or telephone. For regular meetings, a form requesting travel information may also be sent to members with a self-addressed stamped envelope for return.
6. Council members are expected to respond with the requested information within the timeframe stated. Council members who do not respond by the stated deadline, except in the case of an emergency, will be required to make and pay for their own travel arrangements. Council members will be reimbursed for no more than the amount that their travel arrangement would have cost had they been made prior to the stated deadline.

7. Completed travel arrangement information will be sent to all members via email and/or regular mail in advance of all meeting/functions.
8. Council members are expected to notify the council office in advance if they are not able to attend the meeting. If they are attending from out of town and the council has reserved lodging, the member is expected to notify the hotel and/or the council office to avoid incurring costs for unused hotel rooms. If council members do not notify the hotel or the office, they will be billed for those unused lodging costs, except in the case of an emergency.
9. The council office will provide all members with contact information for the Council, both business hours and after hours, to assist with travel related issues.

**M. IN-KIND:** Council members will document all non-federally funded time volunteered or items donated to the Council for the purposes of in-kind match for Council federal funds. All donations by staff will also be documented for in-kind.

**N. INTERORGANIZATION AGREEMENTS:** The Council shall enter into working agreements or understandings with other entities when it is determined by the Council to be in the Council's best interest and the best interests of Idahoans with a developmental disability.

**O. UNPAID EMPLOYMENT LEAVE:** Council members may be compensated for their time they spend at authorized Council meetings and activities if they have to take leave without pay or use vacation time associated with their regular employment. The amount paid each member shall be \$50 as set out in Idaho Code 59-509 (h).

1. This payment shall be in addition to any other authorized expenditure associated with the Council meeting or activity.
2. The payment for participation at a non-Council sponsored activity is allowed at the same rate as above if the Council member is representing the Council and has received prior approval from the Membership Chair and Executive Director.
3. The Council may annually approve a sum of money that shall be available for member honorarium. The Council is not obligated to place money in the fund if in their judgment inadequate fiscal resources are available.
4. If fiscal resources are approved by the Council, yet are depleted prior to the end of the fiscal year, the Executive Director may recommend to the Council a supplemental amount to be placed in the stipend fund.

**P. MEMBER REMOVAL:** The Membership Committee shall implement procedures for recommending the removal of Council members from the Council and Council officers from any respective office for any of the following reasons:

1. **COMPLIANCE WITH MEMBER RESPONSIBILITIES:** A member shall comply with Council Policy 101.

2. **POOR ATTENDANCE:** A member shall be reviewed for continued membership if s/he is absent 16 hours or more annually (July-June) for quarterly Council meetings. Absences will be recorded by the Membership Chairman and Executive Director. The Council Chairman and Executive Director shall review the reported absences and:
  - a. Determine duration and frequency of absences, identifying member('s) absences requiring review; and
  - b. Request explanation of absences from the member, if not previously known; and
    - i. excuse or not excuse the absence(s); and
    - ii. report decision(s) to excuse or not excuse absences to the Membership Committee Chairman.

The Membership Committee shall consider appropriate action, including recommendation to the Council that a member be considered for removal.

3. **LACK OF PARTICIPATION:** A Council member's or officer's membership shall be reviewed if that member or officer fails to perform an activity or assignment previously agreed upon by that respective member or officer without prior notice of inability to participate. After three (3) unexcused failures to participate occur, the Membership Committee and appropriate standing committee chair shall review, at a regular or special Membership Committee meeting, the status of said member or officer and a recommendation for action be developed and presented to the full Council at a duly called meeting.
4. **MALFEASANCE:** A Council member's or officer's membership shall be reviewed if that member or officer engages in misconduct or wrong-doing in their role as a member or officer.
5. **MEMBER REMOVAL BY THE GOVERNOR:** A Council member may be removed from the Council by the Governor.
  - a. Any Council member may request a recommendation of removal of another Council member. A Council member shall make the request in writing to the Chair of the Membership Committee, or if the member in question is the Membership Committee Chair, to the Council Chair who shall designate an alternate member of the Membership Committee to carry out the regular functions of the Membership Committee Chair as related only to removal proceedings. The request shall include the reason for the request and all supporting documentation.
  - b. After receiving the request for recommendation for removal, the Membership Committee, or Council Chair designee, shall inform the member in question of the request and the reason for the request. The member in question shall be asked to present written information on their behalf to the Membership Committee.
  - c. After receiving information from the member in question, the Membership Committee shall meet (either physically or via telephone conference call) and decide upon a recommendation to the full Council. The recommendation of the Committee shall be determined by a majority vote.
  - d. At the first regularly scheduled Council meeting after the request for recommendation

for removal is submitted, the Chair of the Membership Committee, or Council Chair designee, shall present the written request for recommendation for removal and supporting documentation and the written information from the member in question to the full Council for their consideration. The Chair of the Membership Committee, or Council Chair designee, shall also present the recommendation of the Membership Committee regarding the request.

- e. The person making the request for recommendation for removal and the member in question may request an opportunity to address the full Council. Each party, upon request, shall be granted up to fifteen (15) minutes to address the Council.
- f. After reading written reports and hearing testimony, Council members shall vote on the request for recommendation for removal from the Council. The ballot shall be written and confidential.
- g. That portion of any Council meeting involving consideration of a request for removal shall be convened into an executive session. All non-Council members, excluding the Executive Director, shall be excused from the meeting.
- h. With the consent of two-thirds (2/3) of current Council membership, the request to recommend removal of a member shall be submitted to the Governor's Office. The Chair of the Membership Committee, or Council Chair designee, shall present the recommendation of the Council, the reason for the recommendation, and all supporting documentation on to the Governor's Office.

#### **Q. AMENDMENT TO POLICIES AND PROCEDURES**

- 1. Any amendment to Council policy or procedures may be recommended by any Council Member to the Governance Committee for review and recommendation to the full Council. After review of proposed policy, the Governance Committee may make its own recommendation to the full Council in addition to the original proposal stating reasoning for a substitute policy proposal; or it may just make a recommendation regarding the original proposal to the Council membership for action. The Council membership must approve all policy proposals by a simple majority of the current Council membership.
- 2. Council policies and procedures will be reviewed biennially by the Governance Committee for changed to be recommended to the Full Council.