

Council Procedures

Procedure Title: Succession of Executive Director

In the event that the Executive Director gives his/her notice of succession from the Council, the Management Assistant will:

1. The Management Assistant will file appropriate paperwork with Department of Health and Welfare Human Resources Division and when Open Meeting Law applies to this process.
2. The Department of Health and Welfare will post a vacancy notice and gather all potential applications for screening.
3. The Management Assistant will send the vacancy notice to the National Association of Councils on Developmental Disabilities (NACDD), the Idaho Developmental Disabilities Network (Protection and Advocacy Organization: DisAbility Rights Idaho (DRI) and University Center on Excellence in Developmental Disabilities Organization: Center on Disability and Human Development (CDHD), the Consortium of Idahoans with Disabilities (CID) and post to vacancy on the Council website and on social media sites. Any inquiries will be directed to the DD Council's HR representative at the Division of Human Resources within the Idaho Department of Health and Welfare.
4. The Department of Health and Welfare will deliver all screened applications to the Management Assistant who will call all applicants and inquire about continued interest in the Executive Director position.
5. All qualified and interested applications will go to an ad hoc Governance Committee, as established by the Full Council. This committee shall include the following: ICDD Council Chair, ICDD Council Vice-Chair, P & A Representative (DRI), UCEDD Representative (CDHD). At least one person represented on the committee should be a current Council member who holds the position of a person with a developmental disability.
6. The ad hoc Governance Committee will review and rate all applications/resumes and choose up to ten (10) potentially qualified candidates based on a Likert scale rating system previously developed by the Council Chair and current Executive Director.
7. Applicants will participate in a face-to-face or phone interview with the ad hoc Governance Committee members. These interviews will also be rated on a Likert scale rating system that is developed by the Council Chair and current Executive Director.

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8. Based on the final ratings, the top two (2) to three (3) highest scoring candidates will be recommended for face-to-face interviews to the Full Council. The Management Assistant and the Council Chair will work together in coordinating notification of the top candidates and with the Council in scheduling face-to-face interviews between with Full Council membership and the Executive Director candidates.
9. Prior to the interview, the Council Chair will work with the ad hoc Governance Committee members in developing questions and ratings to be used during the presentation-style interview(s).
10. The Management Assistant will ensure that all rules regarding proper public notification are followed.
11. During a regularly scheduled Council meeting and prior to the succession of the current Executive Director, the Executive Director candidates will participate in a face-to-face, presentation-style interview which will be rated by the Full Council during a closed session. Based on the rating outcomes, the Council Chair will ask for a motion and call for a vote to offer the position to the top candidate. After the formal vote, the Council Chair will contact the top candidate and offer him/her the Executive Director position. The Management Assistant and the current Executive Director will work with the Division of Human Resources on all formal hiring procedures.
12. For training purposes, the new Executive Director will start his/her employment at least two (2) weeks prior to the current Executive Director's end date.
13. The Council Chair will ensure that all applications, rating sheets and notes are gathered and given to the Management Assistant who will keep them on file for three (3) years.
14. The Management Assistant will work with the new Executive Director on an announcement and bio that will be distributed to the Director of the Department of Health and Welfare, the Director of Medicaid within the Department of Health and Welfare, the Director of Family and Children's Services within the Department of Health and Welfare, the National Association of Councils on Developmental Disabilities (NACDD), DisAbility Rights Idaho, the Center on Disability and Human Development and all current Council members.

Procedure Title: Council Composition (as required by the DD Act*)

The Council shall develop and review annually Council membership composition and make it available to the Governor when considering appointments. Composition of the Council will be as follows as stated in federal and state law:

1. One member from the agency administering funds under the federal Rehabilitation Act. In Idaho, this is Idaho Vocational Rehabilitation;
2. The agency administering funds under the Education of Individuals with Disabilities Act. In Idaho this is the office of Special Education within the State Department of Education;
3. The agency administering funds under Title XIX (21) of the Social Security Act. In Idaho this is the Department of Health and Welfare, Division of Medicaid;
4. The agency administering funds under the Older Americans Act. In Idaho, this is the Office on Aging;
5. The University Center for Excellence in developmental disabilities education, research and service. In Idaho, this is the Center on Disability and Human Development (CDJD) which is housed at the University of Idaho;
6. The state protection and advocacy organization. In Idaho, this is DisAbility Rights Idaho (DRI);
7. The agency administering funds under Title V (5) of the Social Security Act. In Idaho this is the Department of Health and Welfare's division of Maternal and Child Health;
8. Local agency and non-governmental agencies concerned about individuals with developmental disabilities;
9. Local, non-governmental private, non-profit organizations concerned with developmental disabilities;
10. Persons with a developmental disability. There must be at least five (5) individuals represented on the Council;
11. Persons who are parents, relatives or guardians of individuals with a developmental disability. There must be at least seven (7) individuals represented on the Council;
12. A person with a developmental disability who is or who has been in an institution or a person who is an immediate relative or guardian of a person with developmental disabilities who currently resides or has resided within an institution. (NOTE: An "immediate relative" is defined as a blood relative with immediate and frequent contact with the person residing in the facility.);

*The DD Act can be found here: <https://acl.gov/about-acl/authorizing-statutes/developmental-disabilities-assistance-and-bill-rights-act-2000>

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Procedure Title: Member Recruitment

The Council can receive nominations for Council membership at any time, but planned public recruitment efforts will be performed after the Council's second quarter meeting (January/February). At that time, an ad hoc Membership Committee will be formed and will actively participate in Council membership recruitment and make appropriate recommendations to the Council:

1. Announcements and other methods of recruiting interested persons to apply for membership will be made as determined by the ad hoc Membership Committee but at a minimum include an announcement on the Council's Web;
2. Individuals desiring to become members of the Council will complete a brief standard application form which will be compiled by the Council staff member assigned to the Membership Committee and sent to the committee members to review. Current members who wish to be considered for reappointment must submit an updated application indicating their desire to serve an additional term to the Membership Committee. All applications will be due by March 1st;
3. Interviews of applicants will occur before the Spring Council meeting. Interviews should include at least two (2) Council members and a Council staff member to take notes. The summarized the information (interview notes, applications and resumes of all applicants) will be compiled and presented to the full committee for thorough review;
4. The committee members will rank each applicant individually. The results of the individual ranking will be numerically tabulated and summarized by Council staff and reported to the full committee for further review and discussion. References will be checked for the top applicants;
5. All applications along with the Membership Committee recommendations will be forwarded to the Governor's Office by the Council staff liaison. It is understood that the Governor may appoint any individual he/she chooses, provided that the appointed member fits within the DD Act category;
6. A listing of the names of nominees forwarded to the Governor's Office will be kept on file at the DD Council office for a period of at least one (1) year;
7. Applicants who are not selected by the Governor will be sent a letter from the Council thanking them for applying and inviting them to apply at a later date.
8. When vacancies occur, the Council staff member acting as the membership liaison shall inform the Governor's Office of the vacancy and include a written resignation or other notification of the resignation from the resigning member;

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9. If mid-term vacancies occur, the ad hoc Membership Committee will be formed within the quarter that the Council is notified of the resignation and the above steps #1-7 will be followed;
10. All applications and recommendations will be treated confidentially.

Procedure Title: Member Terms

Members shall serve three (3) terms. Each term is a total of three (3) years. 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:

1. Local, non-governmental agencies concerned with developmental disabilities;
2. Local, private, non-profit organizations concerned with developmental disabilities;
3. Persons with developmental disabilities;
4. Persons who are parents of individuals with developmental disability;
5. A person who is an immediate relative or guardian of a person with a developmental disability who is or who has resided within an institution OR a person with a developmental disability who is currently residing within an institution.

Procedure Title: Member Expectations

Each Council member shall sign a Council Member Agreement form acknowledging their understanding of Council member expectations, which include agreement to the following:

- Respect all people the Council serves.
- Listen carefully to fellow Council members.
- Respect the opinion of fellow Council members.
- Have respectful discussion on issues without making personal attacks.
- Understand that only members who are appointed by the Governor can vote on Council business.
- Understand that all legal actions must be voted on by the full Council.
- Stay informed about issues that may come before the Council.
- Be an active participant in Council meetings.

- Make the Council aware of any issues that may have a negative effect on people with developmental disabilities or the Council.
- Work through conflicts directly.
- Understand that Council decisions are made by a majority vote and the outcome should be ultimately supported by all Council members.
- Understand that the Council Members' roles on the Council is **not** to manage the Council, but to govern and ensure that the Council is financially stable, staffed appropriately, and operate under the Developmental Disabilities Assistance and Bill of Rights Act (Public Law 106-402, as amended).
- Understand that the Council is a learning organization, empowered by the Developmental Disabilities Act to try new approaches to eliminate barriers presented to people with developmental disabilities.
- Understand it is the responsibility of all members to openly share a conflict of interest between their personal/professional life and their position as a Council Member and abstain from discussions and voting as directed by the Council's "Conflict of Interest" policy.
- Understand the duties of the Executive Director and support his/her role with staff members.
- Understand the duties, support and respect the role of the Council Chair.

Member Attendance: Council members are expected to attend **ALL** quarterly meetings. If members are unable to make arrangements with their employers to take paid or unpaid leave to attend Council meetings, the member should communicate with the Executive Director about this barrier. The Executive Director will work with the member to communicate with the employer to reach a resolution.

Procedure Title: Council State Agency Participation

Federal and state law mandates the participation of agency representatives to enhance cooperation and coordination between the Council and human service agencies. Agency representatives shall regularly alert the Council about issues or agency activity affecting Idahoans with developmental disabilities. 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 participate fully in Council activities where there is no conflict of interest. Agency representatives appointed by the Governor are the only individuals who can vote on Council business. Agencies can opt to send a replacement to sit in on Council meetings, however, this individual may not vote on Council business.

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Procedure Title: Election of Council Officers

Council Chair

The Council Chair is elected yearly at the third quarterly Council Meeting (Spring). The following procedure should be followed in order to elect a Council Chair:

1. Announcement of nomination for Council Chair shall be made by the Current Council Chair at the second and third quarter meetings.
2. A Council member may nominate him/herself or any other Council member, with his/her consent. Nominees must be limited to Council members who are self-advocates, family members, or guardians.
3. Each nomination will be in writing and shall be accompanied by a nominating statement completed by the nominee. If the statement is not with the written nomination, one will be sent to the nominee for completion and submission. The nominating statement should be no longer than two typed pages, double spaced, and include the following: office sought, name, address, city, representation on the Council, number of years on the Council, committee work (past and present), offices previously held, outside associations or groups, other relevant activities, and reason for seeking
4. In the event the member seeking the chair position is up for member reappointment a minimum of two (2) names must be submitted to the Governor's office for chair appointment.
5. During the third quarter (spring) Council meeting, all nominees will be announced by the Council Chair and given five (5) minutes to give a speech to the Full Council.
6. Immediately following the speeches, the Full Council will vote in writing and anonymously.
7. The ad hoc Membership Committee will ask two (2) Council staff members to compile the results of the voting and report to the Committee Chair.
8. The name of the winner will be announced by the Council Chair immediately after the counting of the votes
9. The new Council Chair will assume his/her role during the next Council meeting, pending the appointment by the Governor.

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10. Once appointed, the Council Chair will make themselves available to attend the national conference and participate in the Council Chair training at this conference (if Council funding is available).

11. Council Chair will also participate in an on-line training on “conflict resolution” so as to be prepared to resolve issues as it pertains to Council members.

Vice Chair

During the Fourth Quarter Council meeting, the Vice Chair will be elected utilizing the same procedures outlined above.

Past Chair

In the event that the current Council Chair and Vice Chair are not available to run the meeting, the Past Council Chair will assume that role. The Past Chair will follow the Chair responsibilities and duties as outlined in policy and procedure.

If there is no Past Chair currently serving as a member, the current Chair will appoint a member to serve in his/her stead in the event that both the Chair and Vice Chair will be absent from a formal Council meeting.

Procedure Title: Vacancy of Council Office

Replacing the Council Chair

In the event that the Governor removes the Chair of the Council or the Chair resigns, an ad hoc Membership Committee will be formed and will follow the above procedure to fill the vacancy. Because the Council cannot run without a Chairperson, it is vital that this process be expedited and not left until the fourth quarter Council meeting (October).

Replacing Other Officer Positions

In the event that the Council votes to remove the Vice-Chair or the Past Council Chair OR either members holding these positions resign before their term ends, an ad hoc Membership Committee shall meet and recommend two (2) candidates for the vacant office to the Full Council. The Full Council will elect one (1) of the candidates for the vacant office by written ballot within thirty (30) days of resignation/removal.

Procedure Title: Removal of a Council Member

The ad hoc Membership Committee will implement the following 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. **Non-compliance with Member Responsibilities:** A member will comply with the Member Agreement signed during orientation and after appointment by the Governor.
2. **Poor Attendance:** A member will be reviewed for continued membership if s/he is absent nineteen (19) hours or more annually for quarterly Council meetings. Absences will be recorded by the Council Staff by way of sign-in sheet. The Executive Director will review the reported absences to the Council Chair 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 pass this information on to the ad hoc Membership Committee.
3. **Lack of Participation:** A Council member's/officer's membership will be reviewed if that member/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 ad hoc Membership Committee and Council Chair, will review the status of the member in question and may or may not recommend action to be presented to the full Council during the next regularly scheduled Council meeting. It is highly recommended that parents, self-advocates and agency representatives attend pre-Council meeting activities, such as the pre-Council meeting phone call. Not participating in these activities may be considered when members are re-applying for Council membership.
4. **Malfeasance:** A Council member's/officer's membership will be reviewed if that member/officer engages in misconduct or wrong-doing in their role as a member/officer. Examples of "malfeasance" could include: misrepresenting the Council in public settings; using Council membership as a means to get money or favors; behavior that causes harm to a Council member or Council staff member; breaking confidentiality after closed sessions (e.g. Executive Director evaluation) or revealing information discussed in the member selection process.

Prior to sending recommendations to the ad hoc Membership committee, the Chair and Executive Director will attempt to resolve issues with the member in question. The ad hoc Membership Committee will determine the consequences for the member which could include recommendation to the Governor's office for removal. Any

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recommendation will be formally presented to the member in question in writing and copied to the Governor. The Governor will make the final decision regarding removal or other sanctions.

Procedure: Communication

Council members shall contact the Executive Director whenever necessary as related to a specific Council issue or operation.

Council members shall use a variety of communication methods that work best for them and the full Council that align with current modern communication practices. Accommodations are made to meet the needs of all Council members.

Council members with email and phone access will provide this information to the Council office so that they may receive communications. If members change email addresses or phone number, they should notify the office to ensure that communication can be maintained by other means. If internet or phone service is interrupted, the Council member will notify the Council office and discuss by what means of communication they will use to remain current on Council issues.

If Council members are experiencing barriers to participating in Council activities, it is up to the member to communicate these barriers to the Executive Director and/or Council Chair so a resolution can be sought and the member can fully participate. Examples of barriers: internet in the area in which the Council member lives is unaffordable; the Council member cannot pay for cell or home phone service; mail is unreliable in the Council members' area, etc.

Procedure(s): Conflict of Interest or Remote Interest

If conflict of interest or remote interest is present, the Council member must:

1. Disclose in writing a statement of affiliation and a statement of all conflicts of interest, including those which are uncertain or potential. Such statement must specify any association with individuals or organizations
2. Disclose to the Full Council when that a conflict of interest or remote interest is present
3. Refrain from influencing other Council members in regards to the issue at hand
4. Abstain from voting on the issue or contract in which the conflict of interest or remote interest is present

In regards to Council contracts, a Council member who desires to bid for a contract being offered by the Council, would incur a conflict of interest.

Accordingly, the Council member must:

1. Disclose in writing to the Chair their interest in bidding for a specific contract and this will be recorded in the minutes
2. Abstain from the development and approval of the bid specifications, review of submitted bid proposals, or the awarding and monitoring of a contract
3. Participate in a competitive bid process based upon the quality and ability of the proposal to meet the bid specifications and be lowest bid, based upon the scope of the proposed activities
4. Abstain from voting on the award of the contract during the Full Council meeting
5. Abstain from future votes that pertain to renewal of the contract
6. Abstain from voting on any issue pertaining to contract reimbursement

Procedure: Grievance

In the case that a member feels that another member has discriminated against them or otherwise made them feel devalued, it is incumbent on the member to do the following:

1. Approach the member and using diplomatic, non-accusatory communication try and resolve the grievance in question.
2. If the member does not feel that the reported offense has been amicably resolved, the member should approach the Council Chair.
3. The Council Chair along with both members will engage in a conversation with the Chair acting as the facilitator to resolve the conflict. The Executive Director may or may not be involved in this conversation.
4. If the Council member continues to feel that the conflict is not resolved and it impedes his/her ability to complete his/her duties as a Council member, the member can write a letter to the Membership Committee in order to seek resolution. NOTE: The members in question would be prohibited to be on this committee.
5. The Membership Committee will meet with each member, the Council Chair, the Executive Director; review all written documentation attached to the grievance; and make a recommendation to the member regarding resolution to this grievance.

Procedure: Council Meetings

State law and Council By-laws mandate that the Council meet at least once during each federal fiscal quarter. A calendar for upcoming dates will be set at the Fourth Quarter Meeting.

The Council meeting will be accessible to all Council members. Council members will receive notification of the Council meeting at least fourteen (14) days prior to the meeting date.

The developed agenda and Council Packet (including agenda and meeting minutes) will be sent to all members at least fourteen (14) days prior to the Council meeting.

When situations arise that require an emergency meeting, one may be called in accordance with the Council By-laws. The purpose of the meeting, must be provided to all members in advance of the meeting. If time and finances permit, the meeting will be held in person. If not, the current method of group communication (e.g. conference call, video teleconference or other means) may be used to include all members.

Procedure: Cost of Governance

Travel, Lodging and Meals

Council members will be reimbursed for travel, meals, and child care or support costs in order to participate in Council functions. Council will not support child care costs for children that normally attend child care. Reimbursement rates will be set according to state established rates for applicable items or activities.

1. For child care, the rate will 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 will be reviewed by the ad hoc Membership Committee to determine a resolution that is in the best interest of the Council.
2. Mode of transportation will 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 will stay in designated lodging facilities for Council activities. Council staff will identify and reserve all accommodations necessary for any Council function unless otherwise assigned. All facilities will be assessed for accessibility before arrangements are made.

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5. Council staff will contact members in advance of scheduled meetings/functions regarding their travel needs. This contact will be made via email and/or telephone.
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. Council staff will make arrangements for and pay for any adaptive equipment necessary to support Council members and any individuals involved in a Council sponsored project.
8. Travel and lodging arrangement information will be sent by Council staff to all members two (2) weeks prior to all meeting/functions.
9. In case of an emergency, the Council member will notify Council staff immediately so Council staff can cancel all lodging and travel arrangements. In one (1) year's time, if there is more than one (1) emergency situation with a specific Council member that results in loss of Council dollars, this information will be given to the ad hoc Membership Committee to review so they may assess consequences. One consequence may be asking the member to repay travel costs incurred for missed meetings.
10. The Council office will provide all members with contact information during regularly scheduled business hours and after hours contact information to assist with travel related issues as it relates to Council meetings or travel as a result of scheduled participation in Council projects.

Unpaid Employment Leave

Council members may be compensated for the time they spend at authorized Council meetings and activities if they are not provided paid leave from their employer. The amount paid each member will be \$50 as set out in Idaho Code 59-509 (h).

1. This payment will 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 Council Chair and Executive Director
3. The Council may annually approve a sum of money that will be available for member honorarium. The Council is not obligated to place money in the fund if in their judgment the money is needed elsewhere in the Council budget

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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

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.

Requests for Proposals (RFP's) (as required by the State of Idaho)

The Council shall follow applicable federal and state laws as the method to solicit bids from non-Council entities. All RFP's must have a Review Team to properly review all bids above \$10,000.

1. Proposal Review Teams shall review all proposals. The Council staff member shall identify and request assistance of Review Team members. Review Teams must meet the following compositions:
 - a. Each team must have an odd number of members with a maximum of five (5) members;
 - b. The majority of the team should be Council members, although a non-Council member who is a Subject Matter Expert (SME) may be included provided there is no conflict of interest;
 - c. At least one (1) of these team members must be a self-advocate or a parent/guardian;
 - d. A staff person may serve as one of the Review Team members;
 - e. In the event only one proposal is received pursuant to an announced RFP, the Review Team should review the single submission based upon its merits and compliance with the information outlined in the RFP;
 - f. Person(s) involved in the development of the RFP shall NOT be a member of the review committee.
2. In no event will the Council accept unsolicited proposals.

Attendant Care Reimbursement or Facilitation Support

Pursuant to Idaho Code 67-6706, reimbursement for costs associated with attendant care/facilitation support services to Council members appointed by the Governor as individuals with developmental disabilities shall be allowed according to the following schedules and procedures.

1. **ALLOWABLE COUNCIL ACTIVITIES:** Reimbursement for attendant care or facilitation support costs shall only be for the following Council associated activities:

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- a. Regular Council meetings; or
- b. Council committee meetings.
- c. Those activities associated with legislative, policy, project and advocacy meetings in which a Council member has specifically been authorized to provide testimony or educational/informational material to officials; or
- d. Council sponsored conferences; or
- e. Other activities sponsored by the Council.
- f. These costs shall only be allowed as applied to a member with a developmental disability unless this member is appointed to the position of a parent with a child with a disability but also has a developmental disability themselves.

2. **REIMBURSEMENT SCHEDULES:** The following rates will serve as the basis upon which amounts for reimbursement shall be computed:

a. Facilitation Support, which is the support a person may need to prepare for the Council meeting and communicate with fellow members and others during regularly scheduled Council meetings or during Council sponsored activities. This is paid at an hourly rate using prevailing attendance care wages or attendant care hourly rates as a guide.

b. Attendant or Personal Care

1. Shall be defined as those appropriate services necessary to aid a Council member to participate in Council meetings to perform activities associated with mobility, transportation, grooming, bathing, eating, sleeping, etc., that typically are provided for the Council member at their own home.

2. Reimbursement shall be for reasonable actual costs, using prevailing attendant care wage and hourly rates as a guide.

c. Existing Costs:

The member should first access their regularly scheduled support and only use Council dollars should their normal options be unavailable or should it become a financial burden on them to continue paying for their support.

All support individuals must sign an agreement with the Council stating they have not been reimbursed for services they provided through another resource (i.e. private dollars from the individual they are supporting, Medicaid or private insurance) prior to submitting the invoice for payment for Attendant Care or Facilitation Support.

1. **Reimbursement.** Costs for facilitation and attendant care shall be submitted via invoices or copies thereof identifying the date, provider, services rendered, unit costs

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and total cost. Requests may be made in the same manner as travel and meal reimbursements.

2. **Administration**. Attendant care and Facilitation Support reimbursement requests in excess of guideline rates will be reviewed by the Membership Committee and may be referred to the ad hoc Membership.

The Council recognizes that Facilitation and Attendant Care is often provided by the same individual.
