

IDAHO COUNCIL ON DEVELOPMENTAL DISABILITIES

BY-LAWS

ARTICLE I: LEGAL AUTHORITY

Statutory authority for creation and organization of the Council on Developmental Disabilities, and these by-laws are granted pursuant to Section 67-6701 et al., Idaho Code, as amended, and the Developmental Disabilities Assistance and Bill of Rights Act, P.L. 106-402, as amended. Written documents shall be established setting out all Council by-laws and policy approved by the Council. All by-laws and policy must be adhered to by all Council members and staff as applicable. Council by-laws and policy shall be reviewed at least every three years by the full Council, or any other entity designated by the full Council.

ARTICLE II: TITLE AND SCOPE

These by-laws govern the proceedings, activities and organization of the Council and shall be referred to generally as the by-laws for the Idaho State Council on Developmental Disabilities.

ARTICLE III: PURPOSE

The purpose of the Council is to assure that people with developmental disabilities 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 and integration and inclusion in all facets of community life through culturally appropriate programs. It is also the purpose of the Council to assure the dignity of persons with developmental disabilities, by affirming their rights, which are the same rights as other people of the State of the same age and includes the right to live as complete and normal lives as possible and to develop their abilities and potential to the fullest extent possible. The Council shall develop, provide oversight, be responsible for, and keep current a five (5)-year state plan purposely to identify needs of, services to, and resources available for assisting Idahoans who have a developmental disability. Activities and action of the Council shall be to promote and facilitate broad systemic change regarding public policies and programs.

ARTICLE IV: MEMBERSHIP AND COMPOSITION

The following requirements shall be met pursuant to Section 67-6704 and 67-6705 Idaho Code, as amended, and PL 106-402, as amended.

Section 1. Size of Council:

The Council shall have twenty-three (23) members, according to Section 67-6704(1) Idaho Code, as amended.

Section 2. Appointment and Term:

Members shall be appointed to three-year terms by the Governor. With the exception of State Agency Representatives and DD Network Agency Representatives (Disability Rights Idaho and The Center on Disability and Human Development), members can only serve three (3) full three-year terms.

Section 3. Composition of Membership:

Council membership shall be set out in the Policies and Procedures and consist of those individuals specified by public law (P.L. 106-402, as amended) and (Idaho Code, Section 67-6704, as amended) with consideration given to geographic and demographic areas of the state.

Section 4. Member Responsibility:

It is the responsibility of each member to represent their appointed segment of the population and geographic area of the State and present the issues and concerns of that representation and geographic area in the formation of all Council policy and programs. Each member shall also perform specific duties set out by written policy, and/or assigned by the full Council or Council Chair.

Section 5. Vacancies:

A vacancy occurring in the membership shall be filled by the Governor for the unexpired portion of the vacated position.

Section 6. Removal:

Members may be terminated from Council membership by the Governor for the following reasons as delineated by Council policy:

- A. Poor Attendance; or
- B. Lack of Participation; or
- C. Malfeasance in Office.

Section 7. Member Remuneration:

Council members shall serve with no salary, nor benefits. Members will be reimbursed for expenses consistent with Council policy.

ARTICLE V: COUNCIL MEETINGS

Section 1. Frequency:

The Council shall hold at least four (4) meetings annually, with at least one occurring in each fiscal quarter of the year. Quarters shall be defined as federal government fiscal quarters beginning the first day of October.

Section 2. Notice of Time and Location:

The Council shall give the public and the membership written notice of the time and location of all meetings in accordance with Idaho open meeting law. For virtual Council meetings, the link must be included. The full Council establishes an annual meeting calendar by the summer quarter meeting. Council members must be notified at least thirty (30) days prior to a meeting if changed from the original date as identified on the annual list.

Section 3. Special Meetings:

Special meetings of the Council may be called by the Chair with two-thirds (2/3) of the current Council members' consent, or may be called by the Chair upon request of two-thirds (2/3) of the Council's current membership, without the required thirty (30) day written notice.

Section 4. Quorum and Action:

A quorum for the transaction of any Council business shall be a simple majority of the Council membership. The act of the majority of those members present shall be the act of the Council.

A. Non-Members:

A Council member shall not be represented by a non-Council member.

B. Proxy Voting:

A Council member not in attendance shall not be allowed to cast a vote by written or verbal proxy.

Section 5. Procedure:

All meetings shall be held in accordance with Idaho Open Meeting laws and conducted according to Robert's Rules of Order, subject to provisions of Idaho laws pertaining to public entities. The Chair may appoint any member

of the Council or staff to serve as parliamentarian at each meeting. The Parliamentarian shall be responsible for providing technical assistance and procedural clarification during a meeting.

Section 6. Minutes:

A written record shall be kept of all Council meetings and be made available to the full Council, and to the public, in compliance with Idaho open meeting law.

ARTICLE VI: COUNCIL MEMBERSHIP AND ORGANIZATION

Section 1. Council Officers:

The Council officers shall be the Chair and Vice Chair. Officers are limited to Council members who are appointed by the Governor to serve in the following seats defined by the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, Section 125 State Councils on Developmental Disabilities and Designated State Agencies, (C) Representation (3)(A)(i)(ii)(iii):

- Individuals with developmental disabilities,
- Parents or guardians of children with developmental disabilities,
- Immediate relatives or guardians of adults with impairing developmental disabilities who cannot advocate for themselves.

A. Election, Responsibilities and Terms

- 1) **Chair.** The Council shall recommend a Chair from its membership to serve for a two (2) year term. The Governor shall annually appoint, or reappoint, the Chair recommended by the Council from its membership according to Section 67-6707(1) Idaho Code, as amended. The Chair serves from the effective date of appointment, or reappointment, or until a successor is named, and may be reappointed. The chair shall preside at all Council functions and activities unless otherwise delegated, either verbally or in writing, to another Council member. The Chair may be a representative to The National Association of Councils on Developmental Disabilities (NACDD).
- 2) **Vice Chair.** The Council shall annually elect a Vice Chair from its membership. The Vice Chair serves for a one (1) year term upon election and may be reelected by the Council membership. In the absence of the Chair, the Vice Chair shall preside and perform all duties assigned to the Chair's office. The Vice Chair shall also

undertake any and all duties assigned or delegated by the Chair, and as set forth by these by-laws and written policy.

B. Removal. Officers may be removed according to the following:

- 1) **Chair.** Upon advice of the Membership Committee that the best interests of the Council would be served with the removal of the Chair, and providing at least two-thirds (2/3) of the current Council membership so vote, and providing justification is included with the written recommendation, the Council may submit a written recommendation to the Governor seeking removal of the Chair.
- 2) **Vice Chair.** The Council may vote to remove the Vice Chair whenever in its judgment and upon written recommendation by the Membership Committee to the Council, the best interests of the Council would be served by said removal, providing at least two-thirds (2/3) of the current Council membership so vote.

C. Vacancies. A vacancy in any office due to death, resignation, removal, disqualification, or otherwise shall be filled only for the unexpired portion of the respective office's term according to the Council Policies.

Section 2. Council Staff:

A. Executive Director. The Full Council shall select and terminate an administrator for the Council according to state law and PL 106-402. This person shall be an exempt state employee. The Executive Director shall administer, conduct, direct and manage the affairs and activities of the Council, its committees, and other staff, and shall perform those duties and activities as set out in written policy adopted by the Council, and as directed by the full Council.

B. Support Staff:

- 1) The Executive Director shall establish necessary staff positions to carry out the goals, objectives, functions and responsibilities of the Council.
- 2) The Executive Director shall be responsible for hiring, supervising annually evaluating the staff of the Council. Council recruitment and hiring of staff shall be consistent with Federal and State nondiscrimination laws, pursuant to PL 106-402, and Council policy governing employment of staff.
- 3) Pursuant to PL106-402, the staff and other personnel, while working

for the Council, shall be responsible solely for assisting the Council in carrying out its duties under this part and shall not be assigned duties by the designated State agency or other agency or office of the State.

Section 3. Council Ad Hoc Committees:

The Council operates under a policy governance model and makes decisions for the Council as a whole body. The Executive Director or Full Council establishes ad hoc committees.

ARTICLE VII: CONFLICT OF INTEREST

The Council shall set forth in writing, a policy governing the expenditure of funds, contract awards, nepotism, program review, and so forth, but generally identifying conflict of interest as it relates to Council members and participation.

ARTICLE VIII: AMENDMENTS

Any modification to these by-laws shall be reviewed and approved by the full council. By-law amendments must be made available to the full Council for review within a reasonable period of time prior to a duly called meeting in which action regarding an amendment is planned. All amendments must be approved by at least two-thirds (2/3) of the current Council membership.

ARTICLE IX: SEVERABILITY

These by-laws are severable, and if any by-law, or part thereof, or the application of such by-law to any member or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of these by-laws.