

BYLAWS  
of the  
ARKANSAS GOVERNOR'S DEVELOPMENTAL DISABILITIES COUNCIL

**ARTICLE I.  
NAME**

The body referred to in this document shall be known as the "**Arkansas Governor's Developmental Disabilities Council**," hereinafter referred to as "**DDC**."

**ARTICLE II.  
AUTHORIZATION**

**Section 1.** The formation of the DDC is authorized under Public Law 95-602, as amended, **the Developmental Disabilities Assistance and Bill of Rights Act**.

**Section 2.** State authorization is evidenced by the Governor's approval of the **Developmental Disabilities State Plan**, hereinafter referred to as "**DDSP**" and by his appointment of the total DDC membership. The DDC shall be responsible to the Governor.

**ARTICLE III.  
PURPOSE**

**Section 1.** Serve as an advocate for change in the service system as needed to move persons with developmental disabilities toward independence, productivity, and integration into the community. The term "**developmental disability**" means a severe, chronic disability of an individual 5 years of age or older that--

- (A) is attributable to a mental or physical impairment or a combination of mental and physical impairments;
- (B) is manifested before the individual attains age 22;
- (C) is likely to continue indefinitely;
- (D) results in substantial functional limitations in three or more of the following areas of major life activity--

*self care; receptive and expressive language; learning; mobility; selfdirection; capacity for independent living; and economic sufficiency; and reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.*

**Section 2.** Prepare the Developmental Disabilities State Plan required by federal law, including the specification of priority areas for Council activities.

**Section 3.** Monitor, review, and evaluate, not less often than annually, the implementation of the Developmental Disabilities State Plan.

**Section 4.** Review and comment, to the maximum extent feasible, on all state plans in the state which relate to programs affecting persons with developmental disabilities.

**Section 5.** Submit to the Secretary of the Department of Health and Human Services, through the Governor, such periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary may find necessary to verify such reports.

**Section 6.** Study and implement ways of promoting public understanding of developmental disabilities.

**Section 7.** Consider the need for new state programs and laws in the field of developmental disabilities.

**Section 8.** Examine programs which provide services to persons with developmental disabilities and make recommendations for the improvement, and coordination of programs and for prevention of duplication and overlapping of services.

**Section 9.** Report and recommend to the Governor and to other governmental officials on matters relating to developmental disabilities.

**Section 10.** Review and act upon such other matters as may be deemed by the DDC to fall within the intent of the federal law, guidelines, and directives.

#### **ARTICLE IV. DESIGNATED STATE AGENCY**

The designated state agency is the Arkansas Health Services Agency.

#### **ARTICLE V. MEMBERSHIP**

**Section 1.** The DDC shall be composed of twenty-eight (28) members.

**Section 2.** Membership shall include representatives of the principal state agencies (Division of Aging and Adult Services, Division of Developmental Disabilities Services, Division of Economic and Medical Services, Division of Mental Health, Arkansas Rehabilitation Services, Special Education, Department of Higher Education, Arkansas Health Services Agency, Arkansas Department of Health, protection and advocacy system, University of Arkansas-University Affiliated Programs, local agencies and non-governmental agencies, and groups concerned with services to persons with developmental disabilities in the state.

**Section 3.** At least one-half of the membership (fourteen members) of the DDC will be persons who are: individuals with developmental disabilities or parents or guardians of such individuals: or immediate relatives or guardians of

individuals with mentally impairing developmental disabilities, and who are not employees of a state agency which receives funds or provides services under the Developmental Disabilities Assistance and Bill of Rights Act as amended, who are not managing employees of any other entity which receives funds or provides services under the ACT, and who are not persons with an ownership or control interest with respect to such an entity.

**Section 4.** Of the one-half membership who are individuals with developmental disabilities or immediate relatives or guardians of such persons: at least one-third (five members) shall be persons individuals with evelopmental disabilities and at least one-third (five members) shall be individuals who are immediate relatives or guardians of individuals with mentally impairing developmental disabilities, and one-third [five members] shall be a combination of the above described members. Of the members of the Council who are individuals with developmental disabilities or family members at least one member shall be an individual with developmental disabilities who resides or previously resided in an institution or an immediate relative or guardian of an individual with developmental disabilities who resides in an institution or who previously resided in an institution.

#### **ARTICLE VI. APPOINTMENTS**

ALL appointments to the DDC shall be made by the Governor of the State of Arkansas in accordance with Public Law 95-602, as amended, upon the recommendations of the DDC and other organizations, groups, and individuals.

#### **ARTICLE VII. TERM OF APPOINTMENT**

**Section 1.** The term of appointment, except for state agency representatives, shall be five (5) years, and appointments shall be staggered so that approximately only one-fifth (1/5) of the membership is appointed in any one year. Vacancies shall be filled in the same manner as the original appointment.

**Section 2.** State agency representatives shall be appointed by position without term expiration date.

**Section 3.** Any member of the DDC is eligible for reappointment.

#### **ARTICLE VIII. OFFICERS AND DUTIES OF OFFICERS**

**Section 1.** The DDC shall have two regular officers, a Chair and a Vice Chair, to be elected by the general membership. The officers shall serve two-year parallel terms, or until the next election of officers. The election of new officers shall take place during the first regular business meeting of a new fiscal year or as soon thereafter as possible. Nominations in addition to those made the Nominating Committee may be made from the floor, provided consent of the person nominated has been obtained previously, and a majority vote prevails. Each member of the DDC is eligible to serve as an officer.

**Section 2.** The Chair shall be the principal officer of the DDC. The duties of the Chair shall include the following: to call and preside over Council meetings; to be a voting member of all committees and task forces except the Membership and Personnel Committee; to appoint the Chair and membership of all standing and ad-hoc committees, with the exception of the Executive committee; to make recommendations to the staff of the Council; to serve as the official spokesperson for the Council; to insure that the functions of the Council as described in Public Law 95-602, as amended, and its regulations are carried out; and represent other duties as may be prescribed by the DDC from time to time.

**Section 3.** The duties of the Vice Chair shall include the following: to carry out the duties of the Chair in her/his absence, to assume the duties of the Chair, if that office is vacated, through the remainder of the term; and to carry out other duties as delegated by the Chair.

**Section 4.** If neither the Chair nor Vice Chair is present to preside at a Council meeting, those Council members present shall elect a temporary Chair for that meeting.

#### **ARTICLE IX. MEETINGS AND ATTENDANCE**

**Section 1.** There shall be four regular meetings a year the second Thursday in March, June, September, and December if possible, as called by the DDC Chair.

**Section 2.** Special meetings may be called by the DDC Chair.

**Section 3.** One-third (1/3) of the membership shall constitute a quorum at Council meetings.

**Section 4.** All meetings of the Council shall be open to the public in accordance with state law "with members normally notified at least, one week prior to the meeting."

**Section 5.** Robert's Rules of Order shall govern the conduct of all business "of the Council and its committees" where it does not conflict with the Bylaws.

**Section 6.** A Council member who is an agency representative may name a non-member of the Council as a permanent representative to attend all Council meetings. The permanent representative will count toward a quorum and have sole authority to vote. If the permanent representative is unable to attend, the agency may send a non-voting staff member to attend the council meeting.

**Section 7.** A member who misses more than two regular Council meetings in any twelve month period shall be considered to have vacated his/her seat on the Council unless absences are due to temporary illness, travel out of state, or causes deemed excusable by the Executive Committee. In such cases, the DDC Chair shall then direct staff to inform the Governor of the Council vacancy. Staff will remind members who are in danger of losing seats after the second absence, and the DDC Chair will formally notify them in writing should their absences continue and they should lose their seats.

**ARTICLE X.  
REIMBURSEMENT**

**Section 1.** Each DDC member is eligible for reimbursement of allowable expenses in "compliance with state standards."

**Section 2.** Travel and reimbursement is allowed to and from regular DDC meetings, official committee meetings, and other business as directed by the DDC.

**Section 3.** Reimbursement for long distance telephone calls is allowed when they are a part of official DDC business.

**Section 4.** DDC members with developmental disabilities, who require travel assistance in order to attend DDC meetings or other official functions may have the costs of their travel companions reimbursed at the same rate as the DDC member and receive other fees as established by the DDC.

**Section 5.** Reimbursement of respite care is allowable.

**Section 6.** An authorized representative attending Council meetings and non-Council members serving on Committees are eligible for reimbursement.

**Section 7.** All requests for reimbursement shall be submitted on state travel forms.

**ARTICLE XI.  
OPERATING YEAR**

The operating year of the Council shall be October 1 through September 30 and/or the fiscal year as established by the federal law.

**ARTICLE XII.  
COMMITTEE STRUCTURE**

**Section 1.** The DDC shall have one standing committee to be called the Executive Committee. The Executive Committee will consist of the DDC Chair, DDC Vice Chair, the immediate past Chair, and four (4) members elected by vote of the DDC at the same time the Chair and Vice Chair are elected. The Executive Committee acts on behalf of Council between regularly scheduled meetings, such actions to be reported at next meeting.

**Section 2.** A Membership and Personnel Committee which shall consist of the Executive Committee, one member (consumer or consumer representative) from each standing committee. The Committee shall be responsible for preparing a slate of nominees for Council Officers, conducting research for potential candidates for Council members, and reviewing personnel and staffing needs of the Council and making recommendations for change.

**Section 3.** The DDC shall have three (3) other standing committees appointed by the DDC Chair: Goals and Objectives, Public Policy and Grants and Projects. Committee membership shall be broadly representative of the Council as a whole.

**Section 4.** Other committees shall be appointed by the Chair as needed.

**Section 5.** Ad-hoc Committees and task forces may be appointed by the Chair for specific purposes and will not continue after completion of the specific purpose.

**ARTICLE XIII.  
CONTRACTS**

The designated state agency may enter into contracts with other agencies, public or private, which are found to be necessary to provide the administrative and implementation support for the DDC. Payment may be made from funds designated by the DDC for administration, planning, or services. All contracts must have prior approval of the DDC by majority vote.

**ARTICLE XIV.  
FUNDING CONTROLS**

ALL expenditure of funds under DD Act as amended shall be in compliance with the DDSP, regulations for Public Law 95-602, as amended, and limitations imposed by Arkansas state law or policy.

**ARTICLE XV.  
AMENDMENTS OF BYLAWS**

The Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by the DDC at any regular meeting or special meeting by a vote of two-thirds (2/3) of the membership present.

### **EXECUTIVE COMMITTEE**

The Executive Committee shall:

1. Provide leadership for the Council and interact regularly with the Coordinator.
2. Perform the function of the Council on matters requiring attention between regularly scheduled meetings and in emergency situations. Committee action is reported at the next Council meeting.
3. Serve as the steering body for the Council by providing guidance and overseeing the organization and general policy direction of the Council.
4. Hire, supervise and evaluate the Coordinator.

### **GOALS AND OBJECTIVES COMMITTEE**

The Goals and Objectives Committee shall:

1. Identify and recommend to the Council priority areas for Council activities.
2. Provide guidance and direction on the development of the three year plan, annual updates and annual performance reports, approving them and recommending them to the Council.
3. Establish goals and objectives in the State plan and recommend them to the Council.
4. Develop an evaluation process to assess the effectiveness of the Council's activities to accomplish its goals and objectives.

### **PUBLIC POLICY COMMITTEE**

The Public Policy Committee shall:

1. Develop and update policies and position statements for submission to the Council.
2. Advise the Council on involvement in local, state, and federal legislative and administrative policy initiatives that have impact on the lives of individuals with developmental disabilities and their families.
3. Represent the Council's position at hearings, forums, meetings, and gatherings of a similar nature.
4. Report recommendations and actions to the full Council at the next regularly scheduled meeting for approval.

#### **MEMBERSHIP AND PERSONNEL COMMITTEE**

The Membership and Personnel Committee shall:

1. Prepare slate of nominees for Council officers and present to Council in accordance with Council By-Laws.
2. Submit nominations to the Council to fill vacancies that occur on the Executive Committee.
3. Review personnel and staffing needs of the Council and make recommendations for change.
4. Conduct search for potential candidates for appointment to the Council, review applications, and prepare recommendations to present to the Council for approval and submit recommendations to the Governor for consideration.
5. Review evaluation criteria for annual performance of the Council Coordinator and make recommendations for revisions.

#### **GRANTS AND PROJECTS COMMITTEE**

The Grants and Projects Committee shall:

1. Review Council priority areas and identify possible Council funding activities.
2. Develop draft "Requests for Proposals" and contracts and present to the Council for approval.
3. Review applications for funding and present funding recommendations to the Council for approval.