

NEW JERSEY STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

BYLAWS

Adopted 9/28/2006

ARTICLE I. NAME

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, P.L. 106-402 and as subsequently amended and numbered.

B. State authorization of the Council is by Executive Order Number 20 of 1971, as amended by Executive Order Number 49 of 1973 and Executive Order Number 42 of 1976.

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 AND VISION

A. The purpose of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402) is to assure that individuals with developmental disabilities and their families participate in the design 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.

The purpose of the Developmental Disabilities Councils, according to federal law, is to engage in advocacy, capacity building and systemic change 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

B. The Vision of the NJ Council on Developmental Disabilities is that all individuals with developmental disabilities are contributing 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 Federal DD Act delineates the following duties:

1. The Council shall serve as an advocate for individuals with developmental disabilities;
2. The Council shall examine goals, progress, gaps and customer satisfaction;
3. The Council shall develop the State Plan

4. The Council shall implement the State Plan by conducting and supporting advocacy, capacity building and systemic change activities
5. The Council shall prepare, and transmit reports to the Secretary of the Department of Health and Human Services;
6. The Council shall prepare, approve and implement a budget;
7. In addition to the duties listed in the federal law, the Council will provide necessary support and accommodations to Council members to facilitate meaningful participation in all Council meetings and activities.

ARTICLE VI. MEMBERSHIP

- A. The council shall consist of a minimum of 25, not to exceed 30, voting members appointed by the Governor of New Jersey from among the residents of the State.
- B. Vacancies shall be filled in the same manner as the original appointment. The Governor shall make appropriate provisions to rotate the membership of the Council.
- C. Members shall continue to serve until the expiration of their current terms and until their respective successors are appointed and have qualified.
- D. Council membership terms shall be for three years with no individual serving more than three consecutive terms. After serving a maximum term, a member must have at least a one-year lapse in membership on the Council before he/she can be reappointed to the Council.
- E. The membership shall at all times include representatives of the principal state agencies, higher education training facilities, local agencies, non governmental agencies and groups concerned with services for people with developmental disabilities. The

composition of the Council shall meet the requirements as specified in PL 106-402 (2000). The membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity.

1. A minimum of 60% of the Council shall be public members who are:

- Individuals with developmental disabilities;
- Parents or guardians of children with developmental disabilities; or
- Immediate relatives or guardians of adults with intellectual; developmental disabilities who cannot advocate for themselves;
- Immediate relative or guardian, or an individual with a developmental disability who resides or previously resided in an institution;
- Not employees of a State agency that receives funds or provides services under Title I, Subtitle B, of the DD Act and who are not managing employees (as defined in Section 1125(b) of the Social Security Act (42 USC 1320 a-5(b) or any other entity that receives funds or provides services under this subtitle.

2. A minimum of 15 Council members shall be public members.

3. 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.

4. Seven members shall be representatives of State entities that administer funds provided under Federal laws related to individuals with disabilities, including

- The Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.),

- The Individuals With Disabilities Education Act (20 U.S.C. § 1400 et seq.),
- The Older Americans Act of 1965 (42 U.S.C. § 3001 et seq.)
- Titles V and XIX of the Social Security Act (42 U.S.C. § 701 et seq. and § 1396 et seq.),
- A representative of the Division of Developmental Disabilities, and
- A representative from the Division of Disability Services who shall serve at the pleasure of the Governor in accordance with the qualifications established in section 4 of this act.

5. One—representative from the University Center for Excellence in Developmental Disabilities Education, Research, and Service, and one representative from the Protection and Advocacy System designated by the respective programs/agencies.

E. Of the public members:

- One third shall be individuals with developmental disabilities;
- One third shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities; and
- One third 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.

F. Council members who wish to resign during a current term must notify the Governor's office in writing and will send copies of this correspondence to the Council office.

G. Council members shall serve without compensation but shall be reimbursed for reasonable and necessary expenses (including expenses for child care and personal assistance) for attending Council meetings and performing Council duties; shall be paid a stipend if the member is not employed or must forfeit wages from other employment to attend Council meetings and perform other Council duties; and shall be supported to attend authorized training and technical assistance activities including in-service training and leadership development activities.

H. Federally mandated members of agencies and organizations 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.

I. Representatives of the University Center for Excellence and the Protection and Advocacy System 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 agency.

J. Official designees of federally mandated members of agencies and organizations have the same right to participation and voting as the member they represent.

ARTICLE VII. 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, and with the Executive Committee, conduct annual performance evaluation of the Executive Director;

c) Sign time sheets and expense and travel vouchers for the Executive Director;

d) Represent and be a spokesperson for the Council at various national, state and local functions;

e) Appoint the chairs of all standing and working committees, and ad hoc forces of the Council;

f) Chair the Executive Committee;

g) 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.

h) On behalf of the Council, sign assurances for the State Plan.

B. Council Vice-Chairperson

1. The Vice-Chairperson shall be elected every two years at the annual meeting of the Council in September by a simple majority.

2. The Vice-chair 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.
3. Nomination for Vice-chair shall occur at the meeting prior to the annual meeting in July.
4. 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 VIII. COMMITTEES

- A. The Council shall have three standing committees: the Executive Committee, the Public Policy Committee, and the State Plan Committee.
- B. Only Council members shall serve on Council standing committees.
- C. Only members of the Council who are a person with a developmental disability or the family member or guardian of a person with a developmental disability shall chair standing committees.
- D. The Chair of the State Plan Committee shall be elected at the annual meeting in September in even-numbered years; the Chair of the Public Policy Committee shall be elected at the annual meeting in September in odd-numbered years and serve a two-year term.

E. Based on the priorities in the State Plan the Executive Committee may also appoint working committees for the purpose of supporting the activities in the plan. The Council Chairperson appoints chairs of such committees who shall be a member of the Council who is a person with a developmental disability or the family member or guardian of a person with a developmental disability.

1. The Chairs of these working committees may appoint individuals, with the consent of the Executive Committee, who are not members of the Council to these working committees;
2. Chairs of these working committees fulfill the requirements of serving on a standing committee

F. The Chairperson, with the advice and consent of the full Council, or the Executive Committee may also appoint ad hoc task forces to address specific issues as necessary to conduct Council business.

1. Any member of the Council may chair these task forces.
2. Non-Council members may be appointed to serve on these task forces.

G. Executive Committee

1. The Executive Committee shall consist of the following seven members: Council Chairperson, the Vice-Chairperson, the Chairperson of the State Plan Committee; the Chairperson of the Public Policy Committee, two Council members elected at large and one additional member selected by the Chair from any category of membership.

2. Elected members shall be nominated at the meeting prior to the annual meeting in July and elected for a two-year term by simple majority at the annual meeting in September.

3. The Executive Committee shall:

- 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 these 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 periodically to the Council on the above activities.

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

H. State Plan Committee

1. The State Plan Committee shall:

- a) Attend public hearings and/or develop statewide surveys to gather information
- b) Oversee the State Plan development process
- c) Draft the State Plan for Council approval;
- d) Oversee the implementation of the State Plan to ensure that activities and projects are implemented as planned;

e) Report to full membership on a regular basis as to progress toward Council goals.

I. Public Policy Committee

1. The Public Policy Committee shall:

- a) Develop Council policies and positions on legislative and social issues affecting people with developmental disabilities and their families;
- b) Monitor and promote federal, state, executive, and judicial regulatory and legislative activities that affect people with disabilities and their families;
- c) Report to full membership on a regular basis on the activities taken on behalf of the Council

ARTICLE IX. COUNCIL MEETINGS

A. Except as may be otherwise be provided in these bylaws, Council meetings shall conform to the provisions of Roberts Rules of Order.

B. Meetings shall also conform to the provisions of the Open Public Meetings Act.

C. At the annual Council meeting in September, a schedule of meetings shall be set for the year.

D. No less than four meetings per year shall be held.

E. Special meetings may be called by the Executive Committee or Chairperson.

F. 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.

G. Each Council Member shall have one vote.

ARTICLE X QUORUM AND VOTING

A. A majority of all current members, excluding vacant positions and previous members who have resigned plus one shall constitute a quorum.

B. Council members who are unable to attend a Council meeting may participate and vote via teleconferencing upon notification of the secretary within three days of a scheduled Council meeting. If less than three days notice is given, the ability of the Council member to participate and vote by teleconferencing can not be guaranteed.

C. The Council may authorize, by majority vote, a vote by mail or other alternative means.

D. Mail votes on urgent matters may be authorized by the Executive Committee.

ARTICLE XI ATTENDANCE

A. Council members are expected to attend all Council meetings and serve on a minimum of one Council standing committee or working committee.

B. A Council member who is unable to attend a regular or special meeting of the Council must notify the Chair of the Council by telephone or by E-mail prior to the meeting. A committee member must notify the Chair of the committee by telephone or by E-mail prior to the meeting.

C. A Council member who is absent from two consecutive meetings of the Council or two consecutive meetings of a committee, or any combination thereof, 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. A member who is absent from three consecutive meetings of the Council or three consecutive meetings of a committee, or any combination thereof, and who has not received prior authorization for the absence from the Chair of the Council, or in the case of a committee meeting the Chair of such committee, shall be deemed to have resigned from the Council. The Chairperson will notify the Governor of the resignation.

D. Attendance at Council meetings shall be reported annually to the Governors office.

ARTICLE XII. COUNCIL STAFF

Appointment of Staff

A. The Council shall, consistent with State law, hire an Executive Director of the Council. The Executive Director shall be supervised through the Executive Committee, through the Chairperson, and evaluated by the Council and shall hire and supervise the staff of the Council.

Duties of the Executive Director

B. The Executive Director is responsible for carrying out the policies and objectives established by the Council. 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 which meets the requirements of the Developmental Disabilities Act. 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. 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.

Other Staff

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

ARTICLE XIII. COUNCIL OPERATING YEAR

A. The Council fiscal year shall be the state Fiscal Year, July 1 through June 30.

ARTICLE XIV. 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 adoption or rejection 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 XV. CONFLICT OF INTEREST

A. 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.

B. Council members and designees are expected to adhere to the provisions of the NJ Developmental Disabilities Council Code of Ethics and annually sign a statement to act in accordance with such provisions.