

NEW JERSEY STATE COUNCIL ON DEVELOPMENTAL DISABILITIES BYLAWS

Adopted December 4, 2008

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; and supplemented by P.L. 2003, chapter 54.
- 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, MISSION 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.
- B. Consistent with its purpose, the mission 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.

- C. The Vision of the NJ Council on Developmental Disabilities is that all individuals with developmental disabilities are participating, equally included 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 Commissioner of the Administration on Developmental Disabilities (ADD), which is located within the U.S. Department of Health and Human Services;
6. The Council shall 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 V. MEMBERSHIP

- A. The Council shall consist of a minimum of 25, but no more than 30, voting members, at least 15 of whom shall be public members appointed by the Governor of New Jersey from among the residents of the State.
- B. With input and recommendations from self advocates and family members who are public members of the Council, the Governor shall make appropriate appointments to the Council consistent with the DD Act, P.L. 106-402.
- C. Regarding the terms for Public Members:
1. Public members serve at the pleasure and discretion of the Governor, who can appoint and remove any member at any time.
 2. A standard term for public members is three years with the possibility of reappointment for two additional three year terms.

3. Public members shall continue to retain full voting membership until their resignation, removal, or until the Governor appoints a successor and the successor is qualified.
 4. At the beginning of each fiscal year, the Council shall forward to the Governor a list of all public members, their category of membership, date of first appointment to the Council, date(s) of any subsequent reappointment(s), as well as the number of vacant positions.
- D. 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 developmental disabilities who cannot advocate for themselves; OR
 - Immediate relative or guardian, or an individual with a developmental disability who resides or previously resided in an institution; AND
 - Individuals who are not employees of a State agency that receives funds or provides services under Title 1, Subtitle B, of the DD Act, and who are not managing employees (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a-5(b))) of any other entity that receives funds or provides services under this subtitle.
 2. 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.
 - 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.
 3. Public members of the Council who wish to resign during a current term shall notify the Governor's office in writing and provide the Council office with a copy of this written notice.

- E. Representation of State (Public) Entities: Six members of the Council shall be representatives of State designated entities that administer funds provided under federal laws related to individuals with developmental disabilities, including:
1. The Rehabilitation Act of 1973.
 2. The Individuals with Disabilities Education Act.
 3. Representative of the Department of Health & Senior Services for Title V of the Social Security Act, and for The Older Americans Act of 1965.
 4. A representative of the Division of Medical Assistance & Health Services for Title XIX of the Social Security Act.
 5. A representative of the Division of Developmental Disabilities, and
 6. A representative from the Division of Disability Services.
- F. Federally Mandated Members: Council membership shall include federally mandated representatives as follows:
1. One representative from the University Center for Excellence in Developmental Disabilities Education, Research, and Service, and one representative from the State protection and advocacy system.
 2. 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. Official designees of federally mandated members of agencies and organizations have the same right to participation and voting as the member they represent.
- G. Council members shall serve without compensation but shall be reimbursed for reasonable and necessary expenses (including expenses for travel, child care and personal assistance) for attending Council meetings, other approved meetings and trainings, and performing Council duties.

ARTICLE VI. 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 the Executive Director, and with input from the Executive Committee, conduct an annual performance evaluation of the Executive Director;
- c) Sign time sheets and expense & 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 committees, and ad-hoc committees 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 VII. COMMITTEES

A. Standing Committees

1. Executive Committee

- a) Membership:
 - Chair of the Council
 - Vice Chair of the Council
 - Chair of the State Plan Committee
 - Chair of the Public Policy Committee

Chair of the Grants Committee
One Council member elected at large
Additional member selected by Chair of Council from any category of membership

- b) 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.
- c) Duties and responsibilities:
 - 1) Act on behalf of the full Council in all matters concerning the Council when it is not possible for the full Council to meet;
 - 2) Assure ongoing policies and procedures are in place and implemented consistently within Council bylaws and State and Federal mandates;
 - 3) Oversee the Council's administrative and programmatic budgets;
 - 4) Monitor the Memorandum of Understanding between the Council and the Department of Human Services;
 - 5) Report routinely to the Council on the above activities.
 - 6) Monitoring and supervision of Council Sub-committees and relevant Ad Hoc Committees.
 - 7) Provide input to the Council Chair on the annual performance evaluation of the Executive Director.
- d) Confidentiality: Executive Committee members shall maintain confidentiality in all aspects of its role and responsibilities pertaining to personnel and contract matters.

2. Public Policy Committee

- a) Membership:

The Chair of the committee shall be appointed at the annual meeting in September by the Chair of the Council.
Only Council members or their designees shall serve on the committee.
Only members of the Council who are persons with a developmental disability or the family member or guardian of a person with a developmental disability shall chair the committee.
Members shall be appointed to the committee by the Council Chair.
- b) Duties and responsibilities:
 - 1) The committee shall meet bi-monthly at a date, time and location convenient to members.

- 2) The members shall be responsible for reviewing legislative and public policy materials supplied by Council members, staff and other sources.
- 3) The members shall discuss and determine positions the Council may take on issues that affect people with developmental disabilities and their families.
- 4) Whenever possible, the members will make themselves available for comment when critical issues require immediate response.
- 5) The members will have input into and respond to position papers written on behalf of the Council.
- 6) The work of the committee shall be presented to the full Council for approval, including the expenditure of funds.
- 7) Monitoring and supervision of Council Sub-committees and relevant Ad Hoc Committees.

3. State Plan Committee:

a) Membership:

The Chair of the committee shall be appointed at the annual meeting in September by the Chair of the Council.

Only Council members or their designees shall serve on the committee.

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 the committee.

Members shall be appointed to the committee by the Council Chair.

b) Duties and responsibilities:

- 1) The committee shall meet bi-monthly at a date, time and location convenient to members.
- 2) The members will periodically review the progress towards completion of the current 5-year plan.
- 3) The members will participate in revisions of the 5-year plan, due August 15th of each year.
- 4) The members will plan gathering data and information for new 5 year plan. The planning for the new 5-year plan will begin two years before it is due.
- 5) The members will review collected data and make recommendations for objectives for the new 5 year plan. This responsibility may be shared with the full council, e.g. at a Council retreat.
- 6) The work of the committee will be presented to the full Council for approval, including the expenditure of funds.
- 7) Monitoring and supervision of Council Sub-committees and relevant Ad Hoc Committees.

4. Grants Committee:

a) Membership:

Only Council members or their designees shall serve on the committee.

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 the committee.

Members shall be appointed to the committee by the Council Chair. Members shall have no conflict of interest or perceived conflict of interest with any of the potential grantees in the current grants cycle.

b) Duties and responsibilities:

- 1) The committee shall meet at regularly scheduled dates, times and locations in order to plan and execute the timetable and agenda of the grants process.
- 2) The members will oversee the development of the Calls for Investment (CFI) and the Request for Proposals (RFP) based on criteria established by ADD.
- 3) The members shall read, score and meet with committee members to discuss the CFI's and RFP's.
- 4) The members will receive regular updates on current grantees and make decisions for recommendations to Council regarding continued funding of grants based on performance.

B. Sub-Committees

1. Membership:

Membership of Council Sub-Committees may include Council members, Council staff and any member of the public who has an interest in the issues being addressed by the sub-committee on behalf of people with developmental disabilities and their families.

The Chair of the sub-committee shall be a member of the DD Council appointed by the Chair of the Council.

Membership shall be informal and fluid.

2. Duties and responsibilities:

- a) Council Sub-Committees shall report to and be under the guidance of a Council Standing Committee.
- b) Council Sub-Committees shall have no financial authority or responsibility.
- c) The Council Sub-Committee shall meet at regularly scheduled dates, times and locations that are convenient to the members.

3. Examples of Sub-Committees:

Education
Healthcare

Editorial Board
Public Relations
Membership

C. Ad Hoc Committees

1. Membership:

Membership of Council Ad Hoc Committees may include Council members, Council staff and members of the public who have expertise in the issue being addressed. The Chair of the Ad Hoc Committee may be a member or staff member of the DD Council appointed by the Chair of the DD Council. Membership shall be informal and fluid.

2. Duties and responsibilities:

a) The Ad Hoc Committee shall exist to accomplish a goal and then cease to exist once the goal is attained.

b) The Ad Hoc Committee shall report to and be under the guidance of any Standing Committee.

c) The Ad Hoc Committee shall have no financial authority or responsibility.

d) The Ad Hoc Committee shall meet on dates, times and locations convenient to the members.

e) The issues considered by the Ad Hoc Committee must be relevant to the functioning / administration of the DD Council or the improvement of the lives of people with developmental disabilities and their families.

3. Examples of Ad-Hoc Committees:

Bylaws

Awards

ARTICLE VIII. COUNCIL MEETINGS

A. Except as may be otherwise 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 IX. QUORUM AND VOTING

- A. One-half 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 X. ATTENDANCE

- A. Council members are expected to attend all Council meetings and serve on a minimum of one Council standing committee or sub-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.
- E. Attendance at Council meetings shall be reported annually to the Governor's office.

ARTICLE XI. COUNCIL STAFF

- A. Appointment and Supervision of Executive Director
 - 1. The Council shall, consistent with State law, hire an Executive Director of the Council. The Executive Director shall be supervised and evaluated by the Council Chairperson, with input from the Executive Committee on the annual performance evaluation.

B. Duties of the Executive Director

1. The Executive Director shall hire and supervise the staff of the Council.
2. The Executive Director is responsible for carrying out the policies and objectives established by the Council.
3. 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 that meets the requirements of the Developmental Disabilities Act.
4. 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.
5. 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.

C. Other Staff

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

ARTICLE XII. COUNCIL OPERATING YEAR

- A. The Council fiscal year shall be the federal Fiscal Year, October 1 through September 30.

ARTICLE XIII. 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 XIV. ETHICAL STANDARDS

- 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 read the Department of Human Services' Code of Ethics, the Uniform Ethics Code, and the Plain Language Guide to New Jersey's Executive Branch Ethics Standards, and sign a statement annually that they will abide by those standards. There should be an annual briefing for all Council Members on the Code of Ethics.
- C. As part of their orientation, new Council members will be instructed how to access the self-tutorial on the state ethics commission website. Council staff will provide assistance as needed.
- D. Council Members are considered Special State Officers and therefore must complete and file a Financial Disclosure Statement within 120 days of assuming office. Updated statements are due on May 15th of each subsequent year.