



BY-LAWS

THE NORTH DAKOTA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES BY-LAWS

Article I – NAME

The name of the Council shall be known as the North Dakota State Council on Developmental Disabilities; hereafter called the NDSCDD, Council, or State Council.

Article II – COUNCIL PURPOSE

The purpose of the Council is to promote activities that are consistent with the Developmental Disabilities Assistance and Bill of Rights Act. These include recognizing, supporting, and encouraging the competencies, capabilities, and personal goals of individuals with developmental disabilities and their families. Any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual.

Achieving independence, productivity, integration and inclusion into the community for individuals with developmental disabilities is the priority. This is done through activities that foster systemic change, capacity building and advocacy. Activities developed are intended to be consumer and family centered, comprehensive, coordinated and culturally competent in design and delivery of services, supports and other assistance.

Article III – COUNCIL RESPONSIBILITIES

The responsibilities of the North Dakota State Council on Developmental Disabilities shall be to:

Operate within the NDSCDD Mission

Mission: The Council advocates for policy changes that promote choice, independence, productivity and inclusion for all North Dakotans with developmental disabilities. The Council supports projects and activities that maximize opportunities in these areas for consumers and families;

1. Serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects and activities that carry out this purpose;
2. Take action to secure and administer money made available to NDSCDD through the Developmental Disabilities Assistance and Bill of Rights Act;
3. Develop, approve and implement the State Plan for NDSCDD required by the Administration on Intellectual and Developmental Disabilities and the Developmental Disabilities Assistance and Bill of Rights Act;
4. Annually review, monitor and evaluate the implementation of the five year State Plan for NDSCDD;
5. Prepare and submit the annual Program Performance Report and annual financial status reports to the Administration on Intellectual and Developmental Disabilities including, but not limited to, information on its program activities and fiscal spending;
6. Review and comment on all state plans which relate to programs affecting persons with developmental disabilities as much as reasonably possible;
7. In cooperation with the Council's Designated State Agency (DSA), Council shall participate in studies and surveys on the needs of individuals with developmental disabilities in North Dakota and shall join forces with the coordination of the activities of all state departments, divisions, agencies and institutions having responsibilities in the field of developmental disabilities.

Article IV - COUNCIL OPERATING YEAR

The operating year of the Council shall correspond to the Administration on Intellectual and Developmental Disabilities Federal Fiscal Year, October 1 – September 30, or other fiscal year as established by the federal government.

Article V – COUNCIL MEMBERSHIP

Section 1 – Members

Council membership composition shall be in compliance with requirements of the Developmental Disabilities Assistance and Bill of Rights Act.

Council membership shall be appointed by the Governor and shall consist of not less than 60 percent individuals with developmental disabilities, their parents, guardians or family members. The Council's membership shall be geographically representative of the state and reflect the diversity of the state with respect to both

race and ethnicity. Membership must also consist of one representative of each of the following departments, divisions, institutions and organizations within the state:

- a. Office of superintendent of public instruction
- b. North Dakota department of human services
- c. State department of health
- d. Developmental center at Westwood park, Grafton
- e. Job service North Dakota
- f. University centers for excellence on developmental disabilities
- g. Protection and advocacy
- h. Rehabilitation Act
- i. the Older Americans Act (Department on Aging) and
- j. Title XIX (Medicaid).

Membership for preceding letters h, i and j may be covered solely by the Executive Director of the North Dakota Department of Human Services or three separate state members representing each of these divisions.

Section 2 – Appointment Terms

Members of the Council shall serve staggered, four year terms. With exception of mandated state member representation, each Council member may serve a maximum of two, four year terms for a total of eight years. After serving the maximum term, a member must have at least a one-year lapse in membership from the Council before he/she can be re-appointed.

Section 3 – Conditions

Should a Council member's appointment lapse, the member will continue to serve until such time as the Governor renews the term or makes a new appointment to that position. Council members who wish to resign during a current term must notify both the Governor's office and Council's Executive Director in writing.

Article VI - COUNCIL OFFICERS AND DUTIES

Section 1 – Officers

The Council shall have two officers: a Chair and Vice Chair. These two officers form the core of the Council's Executive Committee. Every member of the Council is eligible to serve as a Council officer. Terms of NDSCDD officers shall commence on October 1 of each even year.

Vacancies of elected officers shall be filled by a majority vote of the members in attendance at the next Council meeting. Officers so elected shall serve the remainder of the vacated term and shall be eligible for election to a full term

Section 2 - Council Chairperson

The Council chairperson shall be elected by the members of the NDSCDD and shall serve a term of two years, term years will begin on October 1. He/she may succeed himself/herself once.

Section 3 - Duties of the Chairperson

The Chairperson is responsible for the general supervision of all activities of the Council in order to assure that the objectives of the Council are executed in the best possible manner. The responsibilities of the Chair shall include; but not limited to, the following duties:

1. Preside over Council and Executive Committee meetings utilizing parliamentary procedure from *Robert's Rules of Order, revised* and shall be responsible for assuring Council meetings are conducted in accordance with state open meeting laws.
2. Provide leadership and direction in all undertakings of the council and is the official representative of the Council.
3. Shall appoint members of all standing committees except the Executive Committee.
4. Appoint Chairs of all standing committees, with the approval of the Council.
5. May call special meetings of the Council as necessary
6. Approve the agenda for each Council meeting.
7. May create, with the advice and consent of the Executive Committee, ad hoc committees as deemed necessary.
8. Provide advice and consultation to the Executive Director.
9. Supervise the Council Executive Director in conjunction with the Executive Committee.
10. Prepare the annual performance evaluation of the Executive Director after considering input from Council Members.
11. Maintains knowledge of and may participate in national council activities such as the NACDD conferences and meetings and AIDD activities.

Section 4 - Council Vice Chairperson

The vice chairperson shall be elected from the members of the NDSCDD and he/she shall serve a term of two years, terms will begin on October 1. The Council Chairperson may serve a maximum of two, two year terms for a total of four years. After serving the maximum term, a member must have a one- year lapse before they can be considered for the Chairperson position.

Section 5 - Duties of the Vice Chairperson

The duties of the Vice Chair shall include: carrying out the duties of the Chair in his/her absence or through the remainder of his/her term if the office of Chair is vacated, and to carry out other such duties as the Chair may direct. The Vice-Chair shall assume additional duties as may be requested by the Chair.

Article VII – COUNCIL COMMITTEES

The Council shall have four standing committees: the Executive Committee, Membership Committee, State Plan Committee and Consumer Leadership Committee. In addition to these committees, the Council chair may appoint *ad hoc* committees that shall be disbanded upon completion of the task to which the committee is assigned. Non-Council members serving on Council committees will be permitted to vote within the committee, but not at any full Council meetings regarding official Council business.

Committees shall be structured to implement the Council's programs and goals outlined in the five year State Plan.

Section 1 - Executive Committee

The Executive Committee's consumer representative and state agency representatives member's shall be elected by the members of the NDSCDD and shall serve a term of two years; terms will begin on October 1. Members may serve a maximum of two, two year terms for a total of four years on the Executive Committee. After serving the maximum term, a member must have a one- year Lapse before they can be considered for a position on the Executive Committee. The membership of the Executive Committee shall be comprised of the Council Chairperson, the former Council Chairperson or a "member at large", the Vice Chairperson, two consumer representatives and two state agency representatives.

The Member at Large shall serve as a member of the Executive Committee if the past chairperson is unable to perform this role.

Executive Committee Duties

The Executive Committee shall have the following duties, and others may be designed from time to time by the Council:

1. Act for the full Council on emergency matters when the full Council cannot meet, provided that the subsequent concurrence of a majority of the Council members shall be necessary to make such actions valid. In all actions of the Executive Committee, the legal rights of third parties shall be projected.
2. Review the internal organization and functions of the Council.
3. Report its work and actions to the Council. The minutes of the Executive Committee meetings shall be sent to all Council members.
4. Review applications for the position of the Executive Director of the Council.
5. Make recommendations to the full Council regarding staff patterns necessary

- to effectively implement the State Plan.
6. Provide recommendations to the council for annual budgets necessary to effectively implement the State Plan.
 7. Annually review the Memorandum of Understanding with the designated state agency and recommend appropriate revision to the Council and agency.
 8. Act as the review panel for grant solicitations applicants

Section 2 – Membership Committee

The Membership Committee shall not exceed five members. The Membership Committee shall recruit new members, ensure members have adequate support, and make other membership recommendations to the full Council for approval.

Section 3 – State Plan Committee

The State Plan Committee shall not exceed five members. The State Plan Committee shall participate in the development of the proposed Five Year Plan and its annual review and update. The Committee shall identify goals and objectives that can be met through the Request for Proposal process or through Council staff activities. The Committee shall design and administer a self-assessment of the Council's compliance with federal requirements and the perception of the Council by other state and local entities. Other activities may be assigned by the Council Chairperson.

Section 4 – Consumer Leadership Committee

The Consumer Leadership Committee will consist Council members who are self-advocates, parents or guardians of a person with a disability who opt to participate on the Committee. The purpose of the Committee is to provide consumer input to the full Council and promote leadership development for Council self-advocates, parents and guardians.

Article VIII - STAFF

Consistent with federal and state laws, the NDSCDD shall hire, supervise and evaluate a Director of the Council. Consistent with federal and state laws, the Director will be responsible solely for assisting the Council in carrying out the duties of the Council under P.L. 106-402 and will hire, supervise and evaluate the staff of the Council.

Article IX – COUNCIL MEETINGS

Section 1 - Meetings

The Council shall meet at least quarterly, and at such other times as the need arises in order to carry out its responsibilities.

Section 2 - Special Meetings

The Council may be called to convene a special meeting. Necessity of such meetings may be determined by the Governor, the Council Chairperson, Executive Director or any three members of the Council. Such notice of special meetings will be provided in writing, 48 hours in advance.

Section 3 - Meeting Notices

Notice must be given to Council members in writing before the scheduled time of the meeting and in such manner as to comply with North Dakota Open Meetings Law. The notice will include the date, time and location of the meeting and the agenda topics to be addressed. An agenda will be sent out ten calendar days prior to meetings.

Section 4 - Quorum

Although information may be exchanged, no business shall be transacted at a Council meeting unless a quorum is present; a quorum being defined as one half of the current membership of the Council. Unfilled positions will not be considered part of the current membership. Within this quorum there must be at least one member with a developmental disability or an immediate family member or guardian of a person with a developmental disability.

Section 5 - Proxy

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

Section 6 - Council Meeting Attendance

Members are strongly encouraged to attend all regular and special meetings. Council member attendance requirements may be met by a member attending a meeting in person, via phone conference, polycom, or by other electronic means. Members who fail to attend three consecutive meetings of the Council may be immediately disqualified by recommendation by the Governor. Should a member be disqualified, a replacement will be sought immediately.

Section 7 - Order of Business

Robert's Rules of Order, revised shall govern the conduct of business in all cases in which they are applicable and not in conflict with the Council's bylaws. During a Council meeting, members may cast votes by means of their attendance for such meeting. During a meeting, votes may be given in person, via phone conference, polycom, or by other electronic means.

Article X - National association of councils on developmental disabilities

(NACDD)

For purposes of its membership to and participation in NACDD, the Council is entitled to one voting delegate at any NACDD meeting who is entitled to hold one vote on each issue submitted. A member of the Council will be duly designated by the Council for this responsibility.

In order to maintain continuity, the Council's voting delegate to NACDD shall be appointed to serve a term of at least two years and up to the completion of his/her term of appointment to the Council. Selection of the NACDD voting delegate will be conducted at the same time Council officers are selected and his/her appointment term shall commence on October 1 of each even year.

Article XI - ROLE OF THE DESIGNATED STATE AGENCY (DSA)

Section 1 - Council Contracts

In implementing its State Plan, the Council, with the assistance of the designated State agency, may enter into contracts with public or private agencies or organizations according to purchasing and contracting laws and regulations of the State of North Dakota. A majority vote of the Council is necessary to pursue such contracts.

Section 2 – Funding Controls

All expenditure of funds under the Basic State Plan Grant shall be in compliance with the State Plan, written with the support of the designated state agency, and in compliance with the Developmental Disabilities Assistance and Bill of Rights Act.

The designated state agency will assure compliance with state law and regulations pertaining thereto.

Section 3 - Agreement between the Designated State Agency and the Council

As permitted by federal law, the Council shall enter into agreement for specific delineation of roles and responsibilities of both the designated state agency and the Council. A Memorandum of Assurances and a Memorandum of Understanding shall continually be in place and such agreements shall be signed by the Council Chair and the Director of the designated state agency.

Article XII - COUNCIL OPERATING POLICIES AND PROCEDURES

In addition to the bylaws of the North Dakota Developmental Disabilities Council, the Council has Operating Policies and Procedures for both Council and Staff, which provide further and more specific guidance relative to Council business.

Article XIII - AMENDMENTS TO THE BYLAWS

These bylaws may be altered, amended, or repealed and new bylaws adopted by the Council at any regular or called Council meeting by a 2/3 majority vote of the Council members present, provided a quorum has been established. Proposed amendments to the bylaws shall be sent to the members at least two weeks prior to the meeting at which the proposed revisions will be considered.

Article IVX - 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 XV – Council Name

The Council shall establish a process to ensure that sub-grantees give credit to the Council on any products develop with the use of Council funds.

1. The Council shall be acknowledged as being the funding source on all products and materials completed using Council funds.
2. The requirement will be listed in the Grant terms and conditions of all contracts.
3. A copy of all products must be submitted to the Council following the project completion. These may be attached to a quarterly report or sent separately to the Council office.
4. Staff will remind sub-grantees of these requirements during monitoring visits throughout the term of all grants.

Brent Askvig, Chair