# **Upper left corner is a wavy DC flag with the three red stars and two red bars underneath it. On the right, next to the wavy flag, are the letters DDC in blue. Underneath all of that is the text DC Developmental Disabilities Council in blue.**

# **BYLAWS OF**

### THE DISTRICT OF COLUMBIA DEVELOPMENTAL DISABILITIES COUNCIL

**ARTICLE I. NAME**

This organization shall be known as the DC Developmental Disabilities Council, hereinafter called “the Council.”

**ARTICLE II. LEGAL AUTHORITY**

This Council is established and operates in accordance with the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act), Public Law 106-402, and District of Columbia Government Mayor’s Order 2018-039, dated April 10, 2018.

**ARTICLE III. MISSION**

The DC Developmental Disabilities Council (DDC) seeks to strengthen the voice of people with developmental disabilities and their families in DC in support of greater independence, inclusion, empowerment, and the pursuit of life as they choose. We strive to create change that eliminates discrimination and removes barriers to full inclusion through our advocacy.

**ARTICLE IV. PURPOSE**

The Council shall promote, through systemic change, capacity building, and advocacy activities, the development of a person- and family‑centered comprehensive system of culturally competent services and supports, so that individuals with developmental disabilities and their families may reach their full potential as valued members of their communities.

**ARTICLE V. DUTIES AND FUNCTIONS**

The duties and functions of the Council shall be to:

1. Advise the Mayor, the City Council, and other appropriate Executive Branch and Legislative Branch officials on issues affecting individuals with developmental disabilities and their families, and recommend innovative strategies to address identified and/or unmet needs;
2. Develop and implement systems change, capacity building, and advocacy initiatives that promote the leadership and needs of people with developmental disabilities and their families;
3. Develop the State Plan and related annual work plans as required by the DD Act, and monitor, review, and evaluate State Plan implementation. Submit the State Plan to the U.S. Department of Health and Human Services for approval and submit reports required by the Secretary of Health and Human Services or the DD Act, including an annual description of the progress made in the District and trends concerning setting of priorities, policy reform, advocacy, and other actions on behalf of and with people with developmental disabilities and their families;
4. Prepare and approve an annual budget and approve expenses greater than $25,000 that were not included in an annually approved budget; and
5. Recruit and hire a Director of the Council, should the position of Director become vacant. Supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment and hiring of staff shall be consistent with Federal and local nondiscrimination laws. Dismissal of personnel shall be consistent with District law and personnel policies.
6. Consistent with the DD Act, maintain the Council’s independent role, operations, and staff in relation to the Designated State Agency and state government. Regularly evaluate the Council’s designation in state government and take appropriate action to assure the Council’s effectiveness as an independent public policy and advocacy organization.
7. Consistently engage in the process of building communities with services, supports, and other types of assistance that are culturally competent, as defined by the DD Act.

**ARTICLE VI. MEMBERSHIP[[1]](#footnote-2)**

1. Composition: The members of the Council shall be appointed by the Mayor and shall be residents of the District of Columbia. The Mayor shall select members of the Council, at their discretion, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in children and adults with developmental disabilities, including the non‑District agency members of the Council. The Council may, at the request of the Mayor, coordinate Council and public input to the Mayor regarding all recommendations. To the extent feasible, the membership of the Council shall be geographically representative of the District and reflect the diversity of the District with respect to race and ethnicity. Membership shall follow the rules of the DD Act as follows:
   1. Not less than 60% of the membership of the Council shall consist of individuals who are people with developmental disabilities; parents or guardians of children or adults with developmental disabilities; or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves. These members may not be employees of a District agency that receives funds or provides services under the Federal Assistance to State Developmental Disabilities grant program.
      1. Of this category of membership, at least 1/3 shall be people with developmental disabilities, 1/3 shall be family members of people with developmental disabilities, and 1/3 may be a combination of both.
      2. At least one member of the Council shall be a person with a developmental disability who resides or previously resided in an institution, including but not limited to, Forest Haven; or a family member of an institutionalized or previously institutionalized person with a developmental disability.
   2. Representatives from major state agencies having an impact on people with developmental disabilities and their families including:
      1. Department on Disability Services, Rehabilitation Services Administration – representing the implementing agency of the Rehabilitation Act of 1973
      2. Office of the State Superintendent of Education – representing the implementing agency of the Individuals with Disabilities Education Act
      3. Department on Aging and Community Living – representing the implementing agency of the Older Americans Act of 1965
      4. DC Health – representing the implementing agency of the Maternal and Child Health Program, Title V of the Social Security Act
      5. Department of Health Care Finance – representing the implementing agency of the Medicaid Program, Title XIX of the Social Security Act
   3. One representative from the University Center for Excellence in Developmental Disabilities (UCEDD - Georgetown University Center for Child and Human Development).
   4. One representative from the Protection and Advocacy system (P&A - Disability Rights DC at University Legal Services).
   5. One representative from a local or non-governmental agency concerned with services for people with DD.
   6. One representative from a private, non-profit group concerned with services for people with DD.
2. Government Representatives: A governmental or organizational member of the DD Council shall have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program the member represents and shall recuse themselves from any discussion of grants or contracts for which the member's department, agency, or program are grantees, contractors, or applicants and shall comply with the conflict of interest assurance requirement under section 124(c)(5)(D) of the DD Act and Article VIII of these bylaws.
3. Terms: Members of the Council shall serve for three-year terms, unless otherwise determined by the Mayor. Notwithstanding the above, consistent with the DD Act, members shall continue to serve until reappointed or replaced. Members may serve not more than two consecutive full terms with the exception of members appointed as representatives of an organization or agency. Reappointments subsequent to two full terms shall require a one-year absence.
4. Vacancies: Notice of vacancies will be made to the Mayor’s office in writing and include recommendations for appointment in accordance with the prescribed membership definitions set forth above.
5. Inactivity: Members who have missed two (2) consecutive Council meetings without explanation will be contacted by the Council staff to determine their interest in continuing. The Council will initiate replacement action if the person does not want to continue.

**ARTICLE VII. MEETINGS**

1. Regular Meetings: The Council shall meet as often as necessary, but have no fewer than four public meetings per year. Additionally, the Council shall meet for an annual retreat for the purpose of strategic planning. Councilmembers shall be given notice of the meeting at least two weeks in advance of every meeting by mail, email, or telephone. Meeting information will also be posted on the DDC website.
2. Special Meetings: Special meetings of the Council may be called by the Chairperson, Executive Director and/or at the request of at least five Councilmembers. Special meetings may be held with at least three days’ notice.
3. Quorum: Except as otherwise may be specifically provided by law, a majority of the current voting members shall constitute a quorum for the transaction of business at all meetings of the Council. If a quorum is not present at any meeting of the Council, the Council members present may adjourn the meeting within 15 minutes of the Call to Order, or continue with agenda items not requiring a vote until a quorum is present.
4. Voting: Any action required or permitted to be taken at any meeting of the Council shall be limited to the voting members of the Council or their proxies. A favorable vote on an action requires a majority of the Council. Individual members of the Council shall vote on their own behalf; however, state agencies, the UCEDD, the P&A, and non-profit organizations may designate a representative from the office to vote by proxy, if the appointed representative is not available. Voting members of the Council shall be those members serving current terms of appointment, including those whose successors have not been appointed and qualified.
5. Operations: Meetings shall be conducted in accordance with Robert’s Rules of Order.
6. Compensation: Members of the Council shall serve without compensation, except for stipends for people who are not employed full-time or who forfeit wages to conduct business of the Council, or where the Councilmember incurs authorized expenses related to Council activities that are eligible for reimbursement.

**ARTICLE VIII. CONFLICTS OF INTEREST**

1. Application of provisions: The Council’s provisions concerning conflict of interest shall apply to all members equally. Personal financial gain and private benefit to Councilmembers or members of their households is prohibited. Personal financial gain means that Councilmembers, and members of their households, may not be paid with Council funds directly or through Council grants, with the exception of stipends for Councilmembers who are not working full time or who forfeit wages to perform Council duties, in accordance with the DD Act. No member shall divulge to unauthorized persons confidential information acquired in the course of official Council duties in advance of the time prescribed by the Council for its authorized release. No member shall misrepresent as a Council position or opinion that position or opinion which he or she holds personally or through representation of another organization or interest. Except as reimbursement for approved out of pocket expenses incurred in the line of Council business, no members of the Council may submit a funding request to the Council when those funds will be used to pay that member directly, including any portion of their salary of compensation, as a staff member, consultant, advisor, or under contract. This includes any grants or contracts administered by the Council. The Council shall not consider such a request. The same restriction applies to any individual living in a Councilmember’s household or affiliated with the Councilmember.
2. Disclosure: Each member shall at all times disclose publicly all real or potential conflicts of interest, including those which are uncertain, and shall specify any association with individuals or organizations which might benefit from activities and decisions of the Council. Each member shall annually submit a uniform conflict of interest statement affirming their conformance with the Council’s conflict of interest provisions. Disclosure by a member of real or potential conflict of interest which occurs during a Council or Council committee meeting and the member’s abstention from participating in the matter involving conflict of interest shall be recorded in meeting minutes.
3. Procedures: Any member who has a conflict of interest in any matter concerning the Council must withdraw from all actions concerning the matter. Any member who has disclosed or been found to have a conflict of interest must not, in relation to a matter in conflict:
   1. Participate in the development of request for proposals or other solicitations;
   2. Participate in the discussion, screening, or selection process for grants, contracts, or other funding;
   3. Vote on funding decisions;
   4. Use their influence to affect a decision on the matter;
   5. Participate in contract negotiations, administration, or evaluation of grants or contracts;
   6. Discuss the grant or contract with their organization or with Councilmembers or employees.
4. Determination of Conflicts: Whenever a Councilmember has reason to believe that any other Councilmember has a real or perceived conflict of interest, they may challenge that Councilmember’s privilege to be present during the discussion, deliberation, and voting on a matter involving a conflict of interest and the Council or Council committee shall decide by a majority vote whether the member should be present. Whenever a Councilmember has reason to believe that any other Councilmember may be in violation of the Council’s conflict of interest provisions, the Council chairperson shall be notified and will refer to the matter to the Executive Committee. The Executive Committee shall review the facts and documentation concerning a potential conflict of interest violation, make a final determination as to whether a violation has occurred and so notify the member in writing. If the Executive Committee finds an intentional violation of the Council’s conflict of interest provisions, it will forward a recommendation to the Council for immediate action.
5. Council Staff: Any Council staff who has a conflict of interest in any matter concerning the Council must withdraw from all actions concerning the matter. The Council Executive Director and any Council staff whose responsibilities involve the development, specification, and award of Council grants and contracts may not be financially compensated through Council funded projects and activities for one year following the end of their employment by the Council.

**ARTICLE IX. OFFICERS**

1. Designations: The officers of the Council consist of a Chairperson and a Vice-Chairperson. The Chairperson of the Council may be appointed by the Mayor, but in the absence of a formal appointment, shall be chosen through a vote of the entire Council. The Executive Committee may propose a slate of officers to the Council for a vote. Officers of the Council shall always be those members appointed in the categories of persons with developmental disabilities and family members of persons with developmental disabilities. If desired, the Council may also elect a Secretary and define responsibilities at that time.
2. Term/Removal of Officers: Each officer cited above shall hold office for a term of three years or until their successor is chosen. Any officer or agent elected or appointed by the Council may be removed at any time by the Council whenever, in its judgment, the best interest of the Council will be served thereby. The Council may fill any vacancy occurring in any office of the Council for the unexpired portion of the term. To the extent possible, the Chairperson and the Vice-Chairperson should have staggered terms so that both positions do not become vacant at the same time.
3. Chairperson of the Council: The Chairperson must meet the following qualifications:
4. Have a working knowledge of DC and Federal laws relevant to children and adults with developmental disabilities
5. Have a working knowledge of the state and Federal service delivery system for all people with developmental disabilities
6. Have experience leading meetings
7. Have been a member of the Council for at least one year

The Chairperson of the Council shall:

1. Be the presiding officer of all meetings of the Council
2. Speak for the Council, consistent with and in consultation with the Executive Committee or the Advocacy and Public Policy Committee regarding specific policy issues
3. Conduct the affairs of the Council in such a manner as will carry out the purposes and objectives of the Council
4. Be responsible for carrying out the directives of the Council and the Council membership
5. Be responsible for ensuring officers of the Council and Councilmembers are informed and enabled to carry out their assigned tasks
6. Be responsible for ensuring all Councilmembers serve on a committee and be an ex-officio member of every committee
7. Ensuring that Council committees have the resources and support to carry out their work
8. Coordinate an evaluation of the Executive Director annually
9. Vice Chairpersons of the Council: The Vice Chairperson must meet the same qualifications as the Chairperson.

The Vice Chairperson of the Council shall:

1. Assume the duties of the Chairperson in their absence
2. Perform all tasks assigned by the Chairperson
3. Assist the Chairperson in ensuring Council committees are working effectively

**ARTICLE X. COUNCIL STAFFING**

The Council shall, consistent with District law, hire an Executive Director of the Council who shall be supervised and evaluated by the Council and who shall supervise the staff of the Council. The Executive Director shall supervise and direct the day-to-day operation and business of the Council consistent with District laws andthe direction and policies established by the Council. The Executive Director shall serve as an ex-officio member of the Council and the Executive Committee.

**ARTICLE XI. COMMITTEES**

1. Standing Committees: The Council may establish one or more committees as deemed necessary to conduct the business of the Council. At all times there will be a minimum of the following Standing Committees:
   1. Executive Committee: The Executive Committee shall be comprised of the officers of the Council, the Chairpersons of all standing committees and other person(s) the Chairperson of the Council and existing members of the Committee may deem appropriate. The purpose of the Executive Committee is to:
      1. Act for the Council on urgent business requiring action that cannot await the next Council meeting
      2. Exercise the governance of the Council subject to the bylaws
      3. Advise the staff and Council on budget development and financial monitoring includingthe annual budget that is presented to the full Council for approval.
      4. Identify and recruit individuals for membership on and leadership of the Council.
      5. Develop eligibility criteria for the officers’ positions, and Council members in accordance with these bylaws, federal and local legislation;
      6. Review all requests, applications and nominations for Officers of the Council
      7. Approve funding not previously approved by the full Council between $10,000-$25,000.
      8. Manage the process of evaluating the Executive Director annually.
   2. State Plan Implementation Committee: The purpose of the State Plan Implementation Committee is to ensure the implementation of programs and initiatives to support people with developmental disabilities and their families in accordance with the goals and outcomes included in the approved Five Year State Plan. This committee is also responsible to ensure that the plan includes strategies that will promote district wide systems change to improve and expand services and supports to children and adults with developmental disabilities, and enable people with developmental disabilities to exercise choice in services they receive*.*
      1. Annually, assess whether or not amendments are needed to the State Plan and make recommendations to the full DDC about possible amendments.
      2. Monitor State Plan progress on a quarterly basis - this should happen at committee meetings in between public DD Council meetings and then the committee would report out on progress and issues to the public.
      3. Advise on the community engagement process for developing and monitoring the State Plan.
      4. Advise on grant review processes when requested.
   3. Advocacy and Public Policy Committee: The purpose of the Advocacy and Public Policy Committee is to monitor and review local and federal policies and legislation to ensure that these meet the needs of and secure the rights of individuals with developmental disabilities and their families in the District. This committee will:
      1. Annually develop an Advocacy and Public Policy Agenda to guide the policy work of the Council
      2. Propose for approval by the full Council position statements on issues of pressing concern to the community.
      3. Identify opportunities for testimony by the Council and propose text of testimony for full Council approval
      4. Organize face-to-face advocacy with DC Councilmembers and federal representatives as needed
      5. Provide initial review of requests for the DD Council to sign on to advocacy letters.
2. Composition and Procedures: Each Council member shall be a member of at least one active committee of the Council. The Chairperson of the Council shall appoint the chairpersons of the committees based on recommendations and nominations from Councilmembers. The Committee Chairpersons and members of any such committee shall serve at the pleasure of the Chairperson of the Council.
3. The Executive Committee shall be composed solely of Council members. Other Committees shall, at all times, contain at least three current Councilmembers, aside from the committee Chairperson. All other committee members may be individuals who are not current members of the Council.
4. Committees shall advise and aid the officers of the Council in all matters designated by the Council. Each committee shall preferably meet four times each year before full Council meetings, and shall record the proceedings of such meetings. The minutes of these proceedings shall be submitted to the Council Chairperson or to their designee within 10 days of the conduct of said meeting.
5. Each such committee may, subject to the approval of the Chairperson of the Council, prescribe rules and regulations for the call and conduct or meetings of the committee and other matters relating to procedure consistent with these bylaws.
6. Ad Hoc Committees: Ad hoc committees will be formed as needed to address issues that are temporary in nature. Possible ad hoc committees may include, but are not limited to, a Membership and Nominations Committee and an Executive Director Search Committee.

**ARTICLE XII. AMENDMENTS**

These bylaws may be amended by the Council at any regularly scheduled meeting by a 2/3 vote of the Council present provided a quorum is established and amendments proposed are based on the review and recommendation of the full Council. Amendments proposed by the Executive or other committee of the Council require two weeks’ written notice of the proposed amendment to the Council prior to the vote to amend. These bylaws will be reviewed in full at least every two years.

By-laws approved by Full Council on [INSERT DATE]

1. Membership requirements for DD Councils are delineated in the federal DD Act and these Bylaws reflect those requirements. In the event a local executive order conflicts with DD Act requirements, we follow DD Act requirements, due to the precedence of federal over state/local laws as detailed in Article VI, Paragraph 2 of the Constitution of the United States of America (the Supremacy Clause). [↑](#footnote-ref-2)