



Maine Developmental Disabilities Council

COUNCIL BYLAWS

Article 1: Name and Definition

The body referred to in this document shall be known as the “**Maine Developmental Disabilities Council**,” hereinafter referred to as the “**Council**.”

The Council is a partnership of people with developmental disabilities, family members, and state and local agencies and organizations.

Article 2: Mission Statement

The Council’s Mission statement is: Maine Developmental Disabilities Council is committed to creating a Maine in which all people are valued and respected because we believe communities are stronger when everyone is included.

Article 3: Authorization

Section 3.1: The formation of the Council is authorized under current federal law, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, authorizing and establishing responsibilities for State Developmental Disabilities Councils, hereinafter referred to as the “**DD Act**.”

Section 3.2: State authorization is provided in statute in MRSA Title 34-B, chapter 17 §17001. Maine Developmental Disabilities Council. State authorization is also evidenced by the **Developmental Disabilities State Plan**, hereinafter referred to as the “**State Plan**,” developed and submitted by the Council, as per the DD Act, defining the goals, objectives, and activities, which direct the disbursement of funds provided to the Council under the DD Act, and containing assurances provided by the Designated State Agency.

Article 4: Purpose

The purpose of the Council is to:

- A) Engage in advocacy, capacity building, and systemic change activities, which promote the full inclusion of all persons with developmental disabilities,
- B) Develop, monitor, review, and evaluate the implementation of the Council State Plan,
- C) Monitor, review, and comment on law, policy, and program initiatives that affect persons with developmental disabilities,

- D) Educate about and advocate for innovative change in policy and programming affecting persons with developmental disabilities,
- E) Report on and make recommendations regarding the efficacy and efficiency of policy and programs that serve individuals with developmental disabilities,
- F) Study and promote public understanding of issues surrounding developmental disabilities,
- G) Support the implementation of progressive and culturally competent programming related to the mission of the organization and the State Plan,
- H) Monitor and disseminate Council funds,
- I) Submit reports to state and federal entities as required by law, and
- J) Review and act upon such other matters as may be deemed by the Council to fall within the intent of the federal law, guidelines, and directives.

Article 5: Designated State Agency

In accordance with Maine Public Law 2006, Chapter 519, the Maine Department of Administrative and Financial Services (DAFS) shall serve as the Designated State Agency for the purposes of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000. As the designated state agency, DAFS shall meet all requirements specified in 42 United States Code, Section 15025.

Article 6: Fiscal Year

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

Article 7: Membership

Section 7.1: The Council shall be composed of at least twenty-five (25) members.

Section 7.2: Representatives of Individuals with Developmental Disabilities

A sixty percent (60%) super-majority of the Council shall be individuals with developmental disabilities or their sanctioned representatives as defined by the DD Act (described in Section 7.2.A). These members shall not be employees of a state agency or be managing employees of any other entity that receives funds or provides services under the DD Act.

Section 7.2.A: Composition of the Sixty Percent (60%) Super-Majority

- A) At least one third shall be individuals with developmental disabilities.
- B) At least one third shall be parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with developmental disabilities who cannot advocate for themselves due to functional limitations.

- C) And, at least one (1) member of the super-majority shall be an individual with a developmental disability, or an immediate relative or guardian of an individual with a disability, who resides or previously resided in an institution.

Section 7.3: Representatives of State Government Entities

Membership shall include representatives from state entities that administer funds under Federal laws related to individuals with disabilities. Representatives shall be the Department Commissioner or his/her designee. Designees shall have full voting authority.

Section 7.4 Representatives of Sister Organizations

Membership shall include representatives of the Center for Community Inclusion and Disability Studies at the University of Maine Orono (Maine's University Center for Excellence in Developmental Disabilities Education, Research and Service, or UCEDD), Disability Rights Maine (Maine's Protection and Advocacy agency for people with disabilities) and a statewide self-advocacy organization to be identified by the Council. Each organization shall select its representative to the Council in accordance with its own policies and practices.

Section 7.5: Representative of a Local Non-Governmental Agency

Membership shall include at least one (1) representative of a non-governmental agency or nonprofit group concerned with services for individuals with developmental disabilities.

Section 7.6: Authority of Organizational Representatives

All organizational representatives shall have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program.

Article 8: Appointments

Section 8.1: All appointments to the Council shall be made by the Governor of the State of Maine in accordance with the DD Act, applicable state statutes, and these bylaws, upon notice and recommendation from the Council with the exception of representatives of State Government Entities (Section 7.3) and Sister Organizations (Section 7.4).

Section 8.2: The term of appointment for Council members appointed by the Governor shall be two (2) years. Replacement appointments for unexpired terms shall be made as necessary to fill vacancies. Members may be reappointed for up to three (3) additional consecutive terms. Individuals who have completed the maximum number of terms may be reappointed after one (1) term of non-membership. In the event that a timely appointment has not been made, the incumbent member may continue to serve in the interim.

Section 8.3: Representatives of State Government Entities and Sister Organizations shall serve without term expirations.

Article 9: Participation and Conflict of Interest

Section 9.1: Membership on the Council is for the sole purpose of advancing the Council's mission. Membership shall not be used to advance any outside personal, professional, or organizational gain, financial or otherwise.

Section 9.2: All members of the Council will be active and involved participants, as described in Council policies and procedures. All Council members shall propose, evaluate, and judge all matters before the Council based on the best interest of the people the Council represents and the Council as a whole.

Section 9.3: Council members must adhere to all policies and procedures, including, but not limited to, policies around conflicts of interest and participation. Members must inform the Council when a conflict or a potential conflict exists, and take appropriate action as per the policies and procedures.

Section 9.4: Any public statements made by members of the Council in the name of the Council shall reflect the positions of the Council as a whole. If the Council has adopted a position paper to articulate its position on any issue, public statements on such issue shall be in accordance with that position paper.

Article 10: Meetings, Attendance and Voting

Section 10.1: There shall be at least four (4) regular Council meetings per year. The schedule of meetings for the upcoming year will be determined by the Council at the final meeting of the fiscal year, and published on the Council website. Special meetings may be called as needed by the Council Chair or the majority of the Executive Committee. All meetings of the Council shall be open to the public.

Section 10.2: At any time during a meeting, the Council may go into Executive Session to discuss confidential administrative issues related to the Council, such as personnel matters. A motion must be made to go into executive session and requires passage by a majority of Council members present. The motion must state the nature of the business of the executive session, and no other matters may be considered in the executive session. Except when otherwise required by law, attendance in executive session shall be limited to Council members, and when requested by the Council, the Executive Director and/or any other Council staff or outside legal counsel whose knowledge is needed. Minutes of the executive session need not be taken, but the purpose of the executive session will be recorded in the minutes of the meeting.

Section 10.3: The Executive Committee shall meet at least four (4) times per year. Additional committee meetings may be called as needed by the committee chair or a majority of its members. Other Committees shall meet frequently enough to discharge their duties.

Section 10.4: A majority of the membership shall constitute a quorum at full Council meetings. There is no fixed quorum for committee work, though it is expected that committees will make decisions that are broadly supported by the committee membership.

Section 10.5: Reminder notices will be sent to Council members at least two (2) weeks prior to regular meetings. Special meetings must be scheduled to allow notice to Council members at least three (3) working days prior to the meeting.

Section 10.6: Decisions at Council meetings shall be made through motion, second, discussion, then vote. Each member shall have one (1) vote. Proxy voting is not permitted.

Section 10.7: A member who excessively absent (misses more than one-half (1/2) of the regular and special meetings in any twelve-month period) shall generally be considered to have vacated his/her seat.

- A) Exceptions may be made by the Executive Committee on a case by case basis
- B) Representatives of State Agencies or other organizations who regularly cannot attend meetings are expected to work with the Council and their own agencies/organizations to designate a suitable substitute to attend meetings when they must be absent.
- C) Members who are in jeopardy of losing their seat will be notified by the Council prior to termination, and have the right to petition the Executive Committee for an exception.

Section 10.8: Any member who wishes to vacate his/her seat for any reason is responsible to give notice as soon as possible to assure a continuing balance of membership.

Section 10.9: In any electronic vote taken by the Council between regular Council meetings, at least two thirds (2/3) of Council members must vote in the affirmative for the motion to carry. There must be written confirmation (email, fax, or mail) from each member voting.

Article 11: Reimbursement

Each Council member is eligible for reimbursement of allowable expenses for official Council business if those expenses are not covered by the member's employer or any other outside source. This includes, but is not limited to, expenses related to: travel for attendance at Council and Council committee meetings and sanctioned events, and needed and appropriate support services as confirmed in advance with Council staff. Council members who receive no other form of compensation for time spent at Council meetings or at other functions for which they are designated by the Council Chair to serve as a Council representative may request a stipend consistent with Council policies. Members must comply with Council standards and reporting requirements to receive reimbursement and/or stipend.

Article 12: Committee Structure

Section 12.1: The Council has standing committees and may establish ad hoc committees as it deems appropriate to carry out its mission and responsibilities. Committees monitor, evaluate and analyze policies and activities related to their area, making recommendations for action to the full Council. Committees will exercise their authority consistent with that granted by the full Council as it assigned specific issues or tasks to Committees.

Section 12.2: Standing committees are considered to be a permanent part of an organization's structure. Ad hoc committees are created to perform a specific task or address a specific issue and are dissolved when the issue is mitigated or the ad hoc committee disbands.

Section 12.3: Individuals who are not members of the Council may serve on Council committees as approved by the Executive Committee.

Section 12.4: Standing committees:

- A) The **Executive Committee** shall consist of members as defined in Article 13.1. The Executive Committee has authority to act on behalf of the Council between meetings. Actions taken by the Executive Committee are subject to ratification by the full Council.
- B) The **Membership Committee** shall recruit new members, ensure members have adequate support, and make other membership recommendations to the full Council for approval.
- C) The **Finance Committee** The Finance Committee shall be tasked with reviewing Council financial reports and audit reports and findings.

Article 13: Executive Committee

Section 13.1: The Executive Committee of the Council shall consist of three (3) officer seats, *consisting of two chair people to serve together as co-chairs, and a treasurer, and two (2) general membership seats.* Each member of the Executive Committee shall be elected by a majority of the voting members of the Council.

Section 13.2: A Council member is not eligible to serve as a member of the Executive Committee until the member has served at least one full year as an appointed member of the Council.

Section 13.3: All members of the Council are eligible to serve on the Executive Committee with the exception of those members appointed to the seats designated for Sister Organizations (Section 7.4).

Section 13.4: The term for the three (3) officer seats will be two (2) years. The term for the two (2) general membership seats will be one (1) year. All terms will begin and end September 1st. Council members will hold a vote for Executive Committee members at a regular Council meeting prior to the start of the next term and no later than July 31. A vacancy on the Executive Committee during an unexpired term will be filled in a timely fashion for the duration of that term through a special election. A Council member may serve no more than 6 consecutive years on the Executive Committee.

Section 13.5: Any member of the Executive Committee may be removed by a majority vote of the Council.

Section 13.6: The positions of co-*chairperson* may only be filled by a Council member appointed to one of the Council seats designated for Representatives of Individuals with Disabilities, one seat which must be filled by a person with a developmental disability, and the other seat as per Section 7.2: individuals with disabilities or their sanctioned representatives as defined by the DD Act. The roles of co-chairperson is detailed in a position description, but is in general: to provide leadership to the Council, act as the spokesperson for the Executive Committee, and work in close partnership with the Executive Director. It will be the duty of the chairperson to preside at all Council meetings and to have general supervision and oversight of the affairs of the Council, and to be the supervisory representative to the Executive Director for the Council.

Section 13.7: The position of *treasurer* may be filled by any member of the Council with the exception of those appointed to the seats designated for Sister Organizations. The role of the treasurer is detailed in a position description, but is in general to act as the primary financial officer of the Council and chair of the Finance Committee. In the absence of a treasurer, the chairperson or a designee appointed by the chairperson will fill the role until the appointment of a new treasurer by special election.

Section 13.8: The two General Membership positions may be filled by any member of the Council with the exception of those appointed to the seats designated for Sister Organizations.

Article 14: Staffing

Section 14.1: In accordance with the DD Act, the Council shall use a portion of its funding to hire personnel, including an executive director and all other staff deemed necessary for the sole purpose of carrying out the mission and duties of the Council.

Section 14.2: As mandated by law, an *executive director* shall be hired and removed directly and solely by the Council. The Executive Committee will perform supervision and evaluation of the executive director, and coordinate input from the Council. The Chairperson shall act as the supervisory representative for the Executive Committee.

Section 14.3: The executive director shall hire, supervise, and evaluate all other staff according to federal law, state personnel requirements, and Council policy.

Section 14.4: Council staff shall not be assigned any duties by the designated state agency, other agencies, state offices, or individual members.

Article 15: Amendments

The Bylaws and policies may be altered, amended, or repealed and new Bylaws or policies may be adopted at any regular or special meeting by a vote of two-thirds (2/3) of the members present. Written changes shall be submitted to each member two (2) weeks in advance of the meeting. Bylaws and policies will be reviewed for renewed approval every two (2) years.

- Amended and approved October 2, 2002
- Amended and approved February 4, 2004
- Amended and approved September 7, 2005
- Amended and approved June 14, 2006
- Amended and approved June 13, 2007
- Amended and approved September 10, 2008
- Amended and approved September 23, 2009
- Amended and approved April 6, 2011
- Amended and approved March 13, 2013
- Amended and approved September 10, 2014
- Amended and approved May 13, 2015
- Amended and approved July 13, 2016
- Amended and approved July 18, 2018