

Bylaws
As Adopted-August 18, 2022

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ARTICLE I-Name

The name of this organization shall be the Commonwealth Council on Developmental Disabilities, hereinafter referred to as CCDD or Council.

ARTICLE II-Definitions

1. Developmental Disability

- a. A severe chronic disability of an individual that i) is attributable to a mental or physical impairment or combination of mental and physical impairments; ii) is manifested before the individual attains age 22; iii) is likely to continue indefinitely; iv) results in substantial functional limitations in three or more of the following areas of major life activity: (I) self-care (II) receptive and expressive language (III) learning (IV) mobility (V) self-direction (VI) capacity for independent living (VII) economic self-sufficiency; and v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.
- b. Infants and Young Children- An individual from birth to age 9, inclusive, who has substantial development delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the criteria described in clauses (i) through (v) of subparagraph (a) if the individual, without services and supports, has a high probability of meeting those criteria in life. PL 106-492 §102 (7).

- 2. Governor Appointed Self-Advocate-** A Governor appointed CCDD member with an intellectual and/or developmental disability as delineated in Pub L 106-402 § 125(b)(3); KRS 41.410(c).
- 3. Governor Appointed Relative/Guardian Representative-** Governor appointed, CCDD relatives or guardians of individuals with intellectual and/or developmental disabilities who cannot advocate for themselves as delineated in Pub L 106-402 § 125(b)(3); KRS 41.410(c).
- 4. State Agency Representative-** State agency representative as delineated in KRS 41.410.
- 5. Governor Appointed, Non-Profit Representative-** A non-profit agency appointed by the Governor as delineated in Pub L 106-402 §125(b)(3); KRS 41.410 (3)(b).
- 6. DD Act-** Developmental Disabilities and Assistance Act
- 7. Pub L-** Public Law

8. **KRS** - Kentucky Revised Statute
9. **OMA**- Open meetings Act
10. **DSA**- Designated State Agency

ARTICLE III-Authority and Purpose

1. Authority: The CCDD is established, within the Department of Treasury, in accordance with KRS 41.410 and DD Act 106-402 § B(121-129).
2. The Council shall serve as its own DSA Pub L 106-402 §125(d)(1-4).
3. Mission: The mission of CCDD is to promote systemic change, capacity building, and advocacy activities that are consumer and family-centered and consistent with PL 106-402§ B(121).

ARTICLE IV-Membership

1. Governor Appointment and Removal
 - a. The CCDD will comply with requirements of the DD Act, § 125 (b) (1-4); KRS 41.410 (2).
 - b. Non state agency members shall be appointed by the Governor in accordance with the requirements of the DD Act §125(b)(1-5);KRS 41.410(3)(b).
 - c. CCDD shall consist of 26 members, as delineated in KRS 41.410(3)(a).
 - d. Governor appointed members shall serve at the pleasure of the Governor KRS41.410.
 - e. Governor appointed members term of service will be determined by KRS 41.410.
 - f. Newly appointed members will be placed on the committee and work team of the member they are replacing, serving until the August quarterly meeting when new assignments occur.
 - g. Upon recommendation by two-thirds vote of the quorum at a regular or special CCDD meeting, the CCDD may recommend to the Governor the removal of a member for misconduct, lack of attendance, or any act or omission detrimental to the CCDD, provided that the member is given prior notice of this action and opportunity to be heard by the CCDD.
 - h. Governor appointed members who are not employed or must forfeit wages from other employment shall be compensated for expenses while engaged in performing approved duties of CCDD.
2. Governor Appointed members shall not be a managing employee, or a person with ownership or controlling interest in any entity that currently receives funds or provides services under the DD Act, or any amendment to that Act. PL 106-402 § 125 (a)(3)(B).
3. Contracts/Agreements No member of the Council shall himself or through a business in which he owns or controls an interest of more than five percent (5%), or by any other person for his/her use or benefit or on his/her account, undertake, execute, hold or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the board, commission, authority, council, or committee of which he is a member. This prohibition shall not apply to purchases that are available on the same terms to the general public or which are made at public auction. KRS 45A.340.
4. State agency representatives shall have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program they represent. PL 106-402.
5. State agency representatives may appoint a designee to attend meetings in their place.
 - a. The designee shall have full authority to act on the agency's behalf when conducting Council business PL 106-402 § 125 (a)(3)(B).

6. Declare a Conflict of Interest and shall recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies or programs are grantees, contractors or applicants; and comply with the Conflict of Interest Assurance requirement under DD Act § 124(c)(5)(D); KRS 45A.340.
7. All members will comply with the KRS 65.003 Code of Ethics.
8. Adhere to responsibilities in the DD Act Create, monitor, review and revise the 5-Year Plan, including but not limited to annual review of plan, and budget allocation according to the DD Act Pub L 106-402 § 125 (c)(1-11).
9. Hire, supervise, evaluate and terminate the Executive Director Pub L 106-402 § 125 (c)(9).
10. Expected to attend all Council meetings.
11. Serve on 1 standing committee.
12. Serve on at least 1 work team.
13. Become familiar with all aspects of Council regulatory laws, both state and federal.

ARTICLE V-Elections

1. At the annual meeting, Full Council shall vote on the specified officers below to comprise an Executive Committee. The CCDD may elect such additional officers as deemed needed. At the end of the election meeting, the newly elected officers will assume the duties.
 - a. Chair shall be a Governor appointed representative.
 - b. Vice-Chair shall be a Governor appointed representative.
 - c. Self-Advocate Representative shall be a Governor appointed self-advocate.
 - d. Family/Guardian Representative shall be a Governor appointed family/guardian representative. If both chair and vice chair are Governor appointed self-advocates then a Family/Guardian Representative shall be elected to the Executive Committee.
 - e. State Agency Representative shall be a state agency representative as delineated in KRS 41.410.
2. Nominations for officers will be open to full membership from the adjournment prior to the annual meeting.
3. Nominations shall be provided to the Chair of Council Affairs via email or handwritten.
4. The Chair of Council Affairs will present all nominations to the Council Affairs committee at least 20 days prior to the annual meeting.
5. Council Affairs will approve the nominations, ensuring that those nominated meet officer qualifications, Article VI(1)(a)(i-iv).
6. Nominations for officers will be presented by the Chair of Council Affairs to the Full Council at the meeting prior to the annual meeting.
7. Nominations will open to the floor at the Full Council meeting prior to the annual meeting. The Chair of Council Affairs will lead acceptance of nominations.
8. Once nominations are closed the full Council will vote by roll call.
9. Total number of votes for each candidate will be announced by the Council Affairs Chair, to the Full Council and will be recorded in Council minutes.
10. All elections will comply with KRS 61.820 ORL of Public Agencies.
11. Newly appointed officers will take their seat immediately following the election.
12. The newly elected Chair will close the meeting.

13. Elected individuals shall serve a one-year term. In order for an elected officer to serve more than two consecutive one-year terms, he/she must be elected by two-thirds vote of a quorum, rather than the customary majority.
14. Any elected officer may be suspended or removed by a two-thirds vote of the Full Council according to Council policy.
15. If the Chair of Council Affairs is being considered for an officer position, the Vice Chair of Council Affairs will lead the nominations process. If both the Chair and Vice-Chair of Council Affairs are being considered for an officer position, the Chair of Full Council will select an alternate to oversee the election process.
16. Any member of Council Affairs who wishes to be considered for an officer position must declare a conflict of interest and recuse themselves from the elections process.
17. Any contested election will be conducted by roll call.
18. Elected individuals shall serve a one-year term. In order for an elected officer to serve more than two consecutive one-years terms, he/she must be elected by two-thirds vote a quorum, rather than the customary majority.
19. Any elected officer may be suspended or removed by two-thirds vote of the Full Council according to Council policy.

ARTICLE VI-Officers

1. Qualifications for Officers

- a. Candidates shall meet all the qualifications for members of the Council, and in addition:
 - i. Chair and Vice-Chair must be a Governor appointed representative.
 - ii. Have served for at least one year.
 - iii. Have a working knowledge, or willingness to learn, of the Kentucky and federal laws relevant to individuals with intellectual and/or developmental disabilities.
 - iv. Have a working knowledge or willingness to learn the DD Act and Council responsibilities.
 - v. Have a working knowledge, or the willingness to learn, of the state and federal service delivery system for people with an intellectual and/or developmental disabilities.
 - vi. Have experience, or the willingness to learn, how to lead meetings and implement parliamentary procedure.

2. Duties of Officers

Chair

- a. The Chair shall be the chief elected officer of the CCDD and shall preside at Full Council meetings. He/she shall chair the Executive Committee. He/she shall appoint committees and work teams. The Chair shall be the CCDD delegate at the national level and will have the authority to appoint an alternate to represent the Council at the national level.
- b. The Chair will only vote on Council actions if there is a tie vote.
- c. The Chair shall have authority to appoint an interim Vice-Chair, who meets eligibility guidelines, if the need arises.
- d. Chair will appoint a member of the Executive Committee to preside at the Full Council meeting if Chair and Vice-Chair will not be in attendance.
- e. The Chair may call a closed meeting in compliance with KRS 61.810 OML of Public Agencies

- f. The Chair will be the liaison between the Council and the Executive Director. The Chair will be responsible for direct supervision of the Executive Director.
- g. The Chair will appoint a Special Committee, Article VII(6) to develop the posting, vetting of applicants, interview and hiring of the Executive Director.
- h. The Chair will be responsible for coordinating the annual evaluation of the Executive Director and presenting the results of the evaluation to the Executive Director and Full Council.
- i. The Chair will be responsible for coordinating the termination of the Executive Director.

Vice-Chair

- a. The Vice-Chair shall aid the Chair in the performance of his/her duties. The Vice-Chair shall perform all duties of the Chair in his/her absence and such other responsibilities, as the Chair shall determine.
- b. Chair and Vice Chair shall not be elected Chair or Vice-Chair of any other committee.

In the event the Chair and Vice-Chair are unable to serve for any reason, the remaining members of the Executive Committee shall appoint an Interim Chair and Vice-Chair to serve until an election can take place.

ARTICLE VII-Meetings

1. Meetings

- a. The Council shall convene at least four quarterly meetings each calendar year, one being the annual meeting.
- b. All meetings shall comply with the provision of KRS 61.800- 61.850 OML including but not limited to:
 - i. Schedule 61.820
 - ii. Special Meetings 61.823
 - iii. Video 61.826
 - iv. Minutes 61.832
 - v. Attendance 61.840
- c. The CCDD shall conduct other meetings as necessary and agreed upon by the majority.
- d. An agenda and supporting materials shall be distributed 10 business days in advance of all meetings by mail and/or electronically.
 - i. Exception KRS 61.823
- e. A majority of members must be present 50% + 1 in order to conduct business. (Roberts Rules of Order 12th Edition)
- f. Any member may request that the Chair/Lead place an item on the agenda for the next Full Council, Committee or work Team meeting. If the Chair/Lead declines or neglects to do so, the member may have the item placed on the agenda by submitting it in writing with the supporting signatures of five members. The Chair/Lead may call additional meetings as needed to carry out the duties of the CCDD.
- g. All meetings shall comply with the Robert's Rules of Order.
- h. All meetings shall meet requirements of the Americans with Disabilities Act accessibility standards.
- i. There will be no use of proxies at Full Council meetings, Committee or Work Team meetings.

Full Council

- a. Full Council by majority vote of members 50% + 1 shall pass a measure with the exception of the following which requires two-thirds of all Council members.
(Roberts Rules of Order 12th Edition)
 - i. Termination of the Executive Director
 - ii. Removal of a Council member
 - iii. Removal of an officer
 - iv. Changes in Bylaws.
 - v. Changes in Policies

ARTICLE VIII-Committees

1. Standing Committees

- a. The Standing Committees of CCDD shall include the Council Affairs Committee, the Public Policy Committee and the Finance Committee.
- b. Each Standing Committee shall have no more than nine members.
- c. Each Council Member shall be assigned, annually by the Council Chair to only one Standing Committee.
- d. The Council Chair, at their discretion, offer the Council membership the opportunity to select a preference for a standing committee.
- e. Committees shall be comprised of at least one Governor Appointed Self-Advocate, one Governor Appointed member and one State Agency Representative.
- f. The Chair and Vice-Chair of standing committees shall be elected annually by each respective committee and shall be a Governor Appointed Self-Advocate or Governor Appointed member.

2. Executive Committee

- a. The members of the Executive Committee shall consist of the CCDD Chair, Vice-Chair, most current Past-Chair, Chairs of standing committees, Self-Advocate Representative and an Agency Representative.
- b. The Executive Committee may act on behalf of CCDD between regular meetings:
 - i. cases where intervention must take place in less than 36 hours.
 - ii. The Chair will notify the Council of the meeting, the purpose and action taken within 8 hours following the meeting.
 - iii. The item will be placed on the agenda of the full Council meeting following Executive Committee action. The Chair shall notify the Full Council at least 12 hours prior to a meeting regarding the purpose of the meeting. The Chair of the Executive Committee shall notify the Full Council with 48 hours following the meeting of the purpose and results of the meeting. KRS 61.823.
- c. The Executive Committee shall
 - i. review annually and ensure bylaws are in accordance with state and federal regulations.
 - ii. present to Full Council annually for approval.
- d. The Executive Committee may invite the Executive Director, other full Council members and individuals not related to the Council to attend a meeting for the purpose of expanding the Executive Committee's knowledge on the overall operations of the Council.

- e. Staff to the Council with the exception of the Executive Director may not be invited to attend a meeting unless the Executive Director is present.

3. Finance Committee

- a. Finance Committee shall compile information and prepare a proposed operating budget for the upcoming fiscal year.
- b. Finance Committee shall monitor the expenditures of the Council and make necessary recommendations to the Full Council.
- c. Finance Committee shall address issues in the event financial non-compliance is discovered by staff and make recommendations to Full Council for necessary corrective action.
- d. The Finance Committee will modify the Council's annual budget if federal or state funds are increased or reduced. The modified budget will be presented to full Council at a special meeting called by the Chair.

4. Public Policy Committee

- a. Public Policy Committee shall propose an annual legislative agenda and will propose non-partisan activities corresponding to that agenda.
- b. Public Policy Committee shall review and track current and proposed legislation affecting persons with developmental disabilities and provide updates.
- c. Public Policy Committee shall develop non-partisan legislative advocacy activities, in compliance with State and Federal law, for Council members to educate legislators, other policy makers and the public regarding issues affecting persons with developmental disabilities. Activities will meet federal guidelines for advocating in public policy and will not be construed as lobbying.
- d. The Public Policy Committee will present the legislative agenda to the Full Council annually. The committee will also provide legislative updates at quarterly Council meetings and as deemed warranted by the committee.

5. Council Affairs Committee

- a. Council Affairs shall work to ensure policies are in accordance with state and federal regulations.
- b. At least annually, Council Affairs shall review and revise policies.
- c. Council Affairs shall create new policies at the direction of Full Council.
- d. Any new or revised policies shall be presented to the Full Council for approval prior to implementation.
- e. At the discretion of the Governor's Office, Council Affairs shall review membership applications and make recommendations in accordance with the DD Act and KRS requirements to the Governor's Office for the purpose of filling expiring/expired terms.
- f. Council Affairs Committee shall review members' eligibility for officer elections and present a ballot of nominees for elections.
- g. Council Affairs shall set the calendar for the next year's quarterly meetings.

6. Special Committee

- a. The CCDD Chair shall appoint such other committees as needed.
- b. Membership of Special Committees shall be comprised of at least one Governor Appointed Self-Advocate, one Governor Appointed member and one State Agency Representative.

- c. The Chair and Vice-Chair of special committees shall be elected by each respective committee and shall be a Governor Appointed Self-Advocate or Governor appointed member.
- d. Special Committee officers are not included in the Executive Committee.

7. Work Teams

- a. Work teams coincide with the objective in the 5-year plan in accordance with the Development Disabilities Assistance and Bill of Rights Act of 2000 (DD Act), as amended Sec. 124.
- b. Work teams will elect a leader and co-leader.
- c. Work teams will review the objective assigned to the work team annually for needed modifications.
- d. Work teams will monitor and report project updates quarterly to Full Council.
- e. The work team will present the objective to the Council annually including any changes or revisions.
- f. Work teams will be comprised of Council members who have an interest in a specific objective.

8. Closed sessions are not allowed for committees and work teams.

ARTICLE IX-Council Staff

1. Council staff shall provide support and assistance to officers, committees and general membership in implementing policies, programs, directives and goals of the Council. DD Act PL 106-402 § 1125(a)(9-10).

2. Executive Director

- a. The Executive Director is responsible for the overall administration of the CCDD
 - i. Ensuring that the Council's 5-year plan, annual updates and any other reporting required or requested by the funding agency, state and federal meet the requirements of the DD Act PL 106-402 § 124-128,
 - ii. Ensuring adequate staff to support the Council's implementation and reporting of the Council's 5-year plan DD Act PL 106-402 § 125 (9-10)
 - iii. Develop job descriptions for staff, in accordance with state law, to assist the Council in fulfillment of the DD Act, including but not limited to assigning staff to Council, committees, and work teams to assist the Council in fulfillment of the 5-year plan according to the DD Act DD Act PL 106-402 § 125 (9-10)
 - iv. Hiring, supervising, evaluating, and terminating staff to the Council DD Act PL 106-402 § 125 (9-10)

3. Council Staff

- a. The staff of the Council shall report directly to the Executive Director. DD Act PL 106-402 § 125 (9-10).
- b. Staff shall be responsible solely for assisting the Council in carrying out the duties of the Council identified in the DD Act as directed by the Executive Director. DD Act PL 106-402 § 125 (9-10).

ARTICLE X-Unauthorized Use of Council Name

No CCDD member or staff shall use the CCDD name for any purpose not authorized by Commonwealth Council on Developmental Disabilities or CCDD.

ARTICLE XI-Code of Ethics, Open Meeting Law and Conflict of interest law will be reviewed by Full Council annually.

ARTICLE XII-AMENDMENTS

1. Proposed amendments to the CCDD bylaws must be approved by the Executive Committee and presented to Full Council before implementation.
2. Proposed amendments or development of new policies must be approved by the Council Affairs committee prior and presented to the Full Council prior to implementation.
3. Any amendments to the by-laws changes and developments of policies must be presented to Full Council 10 business days prior to presentation to the Full Council.