

**RULES OF ORGANIZATION AND PROCEDURE**  
**NEVADA GOVERNOR'S COUNCIL ON DEVELOPMENTAL DISABILITIES**  
**Council Bylaws**

**Definitions**

The term "Council" refers to the Nevada Governor's Council on Developmental Disabilities.

The term "Year" refers to the Federal fiscal year from October 1 through September 30.

**I. NAME**

The name of this Council shall be the Nevada Governor's Council on Developmental Disabilities, established in accordance with the provisions of the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," P.L. 106.402.

**II. PURPOSE**

The purposes of this council are as follows:

1. To exercise those duties of the Council as set forth in the Developmental Disabilities Act and the Federal Regulations, guidelines and directives pertaining to the Act.
2. To undertake, in the areas of emphasis, projects and activities which will contribute to long-range comprehensive statewide planning for programs and services for people with developmental disabilities in the State of Nevada.
3. To act as Statewide representatives of the agencies and citizens of the State of Nevada in advising the various officers and agencies of the State concerning matters of relevance to people with developmental disabilities.
4. To act as systems advocate to insure that a comprehensive service network is provided for citizens with developmental disabilities in the State of Nevada.

**III. ROLE AND FUNCTION**

The Nevada Governor's Council on Developmental Disabilities is appointed by the Governor of the State to conduct systemic change, capacity building, and advocacy activities on behalf of all people with developmental disabilities.

**Philosophy**

The Nevada Governor's Council on Developmental Disabilities plans and implements all consumer inclusion, systems change and individual supports from the philosophical base that interdependence is the key to human rights and enfranchisement for Nevadans with developmental disabilities. In so doing, the Council and its administering agency subscribe to and are guided by the following principals:

- We support the uniqueness, wholeness and dignity of each person. We shall strive to respond to the individual needs and preferences of each person we support and serve.
- We enthusiastically advocate for the rights of people with disabilities so they may fully participate in and contribute to community life. This includes enjoying a secure home, family, friends, education, services and work they find meaningful.
- We view all human life as having equal and unconditional value. Each life should be nurtured, respected, celebrated and fulfilled.
- We celebrate and embrace diversity and will consistently strive for true and meaningful inclusion of all people.
- We support the life-long process of personal growth and development of all people.
- We will take every opportunity to educate others and to advocate for the basic civil rights of people with disabilities:
  1. The right to self-determination.
  2. The right to proper and timely medical care.
  3. The right to a barrier-free environment and accessible transportation.
  4. The right to an appropriate inclusive public education including postsecondary education.
  5. The right to necessary assistance, given in a way that promotes independence.
  6. The right to a choice of lifestyles and residential alternatives.
  7. The right to an income for a lifestyle comparable to that of typical peers.
  8. The right to training, and employment that is competitive and fulfilling.
  9. The right to petition social institutions for equal treatment.

### **Council Responsibilities**

The Council, through Council members, staff, consultants, contractors, or sub-grantees, shall have the responsibilities described below:

- (1) **SYSTEMIC CHANGE, CAPACITY BUILDING, AND ADVOCACY** - The Council shall serve as an advocate for people with developmental disabilities and conduct programs, projects, and activities that carry out the purpose of the DD Act.

- (2) EXAMINATION OF AREAS OF EMPHASIS- Not less than once every 5 years, the Council shall examine the provision of and need for the Federal areas of emphasis to address, on a statewide and comprehensive basis, urgent needs for services, supports, and other assistance for people with developmental disabilities and their families, pursuant to the DD Act.
- (3) STATE PLAN DEVELOPMENT - The Council shall develop and submit to the Secretary the State Plan after consultation with the designated State agency under the State Plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.
- (4) STATE PLAN IMPLEMENTATION - The Council shall implement the State Plan by conducting and supporting the Federal areas of emphasis through systemic change, capacity building, and advocacy activities such as those described in (A) through (K).
- (A) DEMONSTRATION OF NEW APPROACHES - the Council may conduct, on a time-limited basis, the demonstration of new approaches to enhance the independence, productivity, and integration and inclusion into the community of people with developmental disabilities through sources of funding other than DD funding, This may include assisting those conducting such successful demonstration activities to develop strategies for securing funding from other sources.
- (B) OUTREACH - the Council may conduct activities to reach out to assist and enable people with developmental disabilities and their families who otherwise might not come to the attention of the Council to obtain services, supports, and other assistance, including access to special adaptation of generic services or specialized services.
- (C) TRAINING - The Council may conduct training for individuals with developmental disabilities, their families and personnel (including professionals, paraprofessionals, students, volunteers, and other community members) to enable such individuals to obtain access to, or to provide, services, supports and other assistance, including special adaptation of generic services or specialized services for people with developmental disabilities and their families. To the extent that training activities are provided, such activities shall be designed to promote the empowerment of individuals with developmental disabilities and their families.
- (D) SUPPORTING AND EDUCATING COMMUNITIES - The Council may assist neighborhoods and communities to respond positively to people with developmental disabilities and their families by encouraging local networks to provide informal and formal supports

and enabling communities to offer such individuals and their families access, resources, and opportunities.

- (E) INTERAGENCY COLLABORATION AND COORDINATION - The Council may promote interagency collaboration and coordination to better service, support, assist, or advocate for people with developmental disabilities and their families.
- (F) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS - The Council may conduct activities to enhance coordination with:
- (i) other councils or committees, authorized by Federal or State statute, concerning such people with disabilities (such as the State Interagency Coordinating Council under part H of the Individuals With Disabilities Education Act, the State Rehabilitation Advisory Council and the Statewide Independent Living Council under the Rehabilitation Act of 1973, the State Mental Health Planning Council under part B of title XIX of the Public Health Services Act and other similar councils or committees);
  - (ii) parent training and information centers under part D of the Individuals with Disabilities Education Act and other federally funded projects that assist parents of children with disabilities; and
  - (iii) other groups interested in systemic change, capacity building, and advocacy for individuals with disabilities.
- (G) BARRIER ELIMINATION, SYSTEMS DESIGN, AND CITIZEN PARTICIPATION - The Council may conduct activities to eliminate barriers, enhance systems design and redesign, and enhance citizen participation to address issues identified in the State Plan.
- (H) PUBLIC EDUCATION AND COALITION DEVELOPMENT - The Council may conduct activities to educate the public about the capabilities, preferences, and needs of people with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the Council, including training in self-advocacy, educating policymakers, and citizen leadership skills.
- (I) INFORMING POLICYMAKERS - The Council may provide information to Federal, State, and local policymakers, including the Congress, the Federal executive branch, the Governor, State Legislature, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services of provide specialized services to people with developmental disabilities and their families by conducting studies and analyses,

gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations.

(J) PREVENTION - The Council may conduct prevention activities as defined in the DD Act.

(K) OTHER ACTIVITIES - The Council may conduct other systemic change, capacity building, and advocacy activities to expand and enhance the independence, productivity and integration and inclusion into the community of people with developmental disabilities throughout the State on a comprehensive basis.

(5) STATE PLAN MONITORING - Not less than once each year, the Council shall monitor, review, and evaluate the implementation and effectiveness of the State Plan in meeting such plan's objectives.

(6) REVIEW OF DESIGNATED STATE AGENCY - The Council shall periodically review the appropriateness of the designated State agency and make any recommendations for change to the Governor.

(7) REPORTS - The Council shall submit to the Secretary, through the governor, periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.

(8) BUDGET - The Council shall prepare, approve, and implement a budget using amounts paid to the State under this part to fund and implement all programs, projects, and activities under this part including:

(A) conducting such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council, reimbursing members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care and personal assistance services), paying compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day such member is engaged in performing the duties of the Council, supporting Council member and staff travel to authorized training and technical assistance activities including in-service training and leadership development, and appropriate subcontracting activities;

(B) hiring and maintaining sufficient numbers and types of staff (qualified by training and expertise) and obtaining the services of such professional, consulting, technical, and clerical personnel (qualified by training and experience), consistent with State Law, as the Council determines to be necessary to carry out its functions, except that such State shall not (in accordance with Federal Law) apply hiring freezes, reductions in force,

prohibitions on staff travel, or other policies that negatively affect the provision of staff support of the Council; and

- (C) directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts and other activities authorized by the approved State Plan.

(9) **STAFF HIRING AND SUPERVISION** - The Council shall, consistent with State law, recruit, supervise, and annually evaluate (in accordance with State procedures) the Director. The Director shall hire, supervise, and annually evaluate other staff and be consistent with Federal and State non-discrimination laws. Dismissal of personnel shall be for cause only, based on documented performance evaluations and consistent with State law and personnel policies. Council directors and staff who are exempt from State personnel policies may be dismissed based only on documented performance criteria.

(10) **STAFF DUTIES** - The staff of the Council shall be responsible solely for assisting the Council in carrying out its duties under this part and shall not be assigned duties by the designated State agency.

(11) **CONSTRUCTION** - Nothing in this part shall be construed to preclude a Council from engaging in systemic change, capacity building, and advocacy activities for people with developmental disabilities other than developmental disabilities, where appropriate.

**IV. STATEWIDE PLANNING** - The Council shall develop a State plan every five years which is reviewed annually and includes:

(A) a description of the services, supports and other assistance being provided to, or to be provided to, people with developmental disabilities and their families under other federally assisted State programs, plans, and policies that the State conducts and in which people with developmental disabilities are or may be eligible to participate, including programs relating to education, job training, vocational rehabilitation, public assistance, medical assistance, social services, child welfare, maternal and child health, aging, programs for children with special health care needs, children's mental health, housing, transportation, technology, comprehensive health and mental health, and such other programs as the Secretary may specify;

(B) a description of the extent to which agencies operating such other federally assisted State programs pursue interagency initiatives to improve and enhance services, supports, and other assistance for people with developmental disabilities; and

(C) an examination of the provision, and the need for the provision, in the State of the four Federal priority areas and an optional State priority area, including -

- (i) an analysis of such Federal and State priority areas in relation to the degree of support for people with developmental disabilities attributable to either

- physical impairment, mental impairment, or a combination of physical and mental impairments;
- (ii) an analysis of criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may exclude people with developmental disabilities from receiving such services;
  - (iii) consideration of the report conducted pursuant to the DD Act;
  - (iv) consideration of the data collected by the State educational agency under the Individuals with Disabilities Education Act;
  - (v) an analysis of services, assistive technology, or knowledge that may be unavailable to assist people with developmental disabilities;
  - (vi) an analysis of existing and projected fiscal resources;
  - (vii) an analysis of any other issues identified by the State Developmental Disabilities Council.

**PLAN OBJECTIVES** - The plan shall:

- (A) specify which of the Federal areas of emphasis that are selected by the Council for such Council's major system change, capacity building, and advocacy activities to be addressed during the plan period and describe the extent and scope of the Federal and State priority areas that will be addressed under the plan in the fiscal year;
- (B) describe the specific 1-year and 5-year objectives to be achieved and include a listing of the programs, activities, and resources by which the Council will implement its systemic change, capacity building, and advocacy agenda in selected areas of emphasis, and set forth the non-Federal share required to carry out each objective; and
- (C) establish a method for the periodic evaluation of the plan's effectiveness in meeting the objectives.

**V. COUNCIL MEMBERSHIP**

- (A) **IN GENERAL** - The Developmental Disabilities Council shall conduct systemic change, capacity building, and advocacy activities on behalf of all people with developmental disabilities.
  - (1) **COUNCIL APPOINTMENTS** - The members of the Council shall be appointed by the Governor from among residents of the State. The Governor shall select members of the Council, at his or her discretion, after soliciting recommendations from organizations representing a broad range of people with developmental disabilities and individuals interested in people with developmental disabilities, including the non-State agency members of the Council. The Council shall coordinate Council and public input to the Governor regarding all recommendations. To the extent feasible, 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.

- (2) MEMBERSHIP ROTATION - The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until each member's successor is appointed.

The Council through the Executive Director shall contact the Governor regarding membership requirements, when vacancies remain unfilled for a significant period of time. A recommendation for dismissal from the Council will be made for any member who misses two or more consecutive meetings without a valid excuse.

- (3) TERM LIMITATIONS - Council members are appointed for three-year terms, renewable by recommendation to the Governor, for a maximum of three consecutive terms.

- (4) COUNCIL CHAIRPERSON - The Council Chairperson shall always be either a person with a disability or the parent of a person with a disability. The Council Chairperson shall not be a representative of the mandatory agencies and organizations delineated in V (5).

- (5) REPRESENTATION OF AGENCIES AND ORGANIZATIONS - The Council shall at all times include representatives of the principal State agencies (including the State agencies that administer funds provided under the Rehabilitation Act of 1973, the Individuals with Disabilities Act, and title XIX of the Social Security Act), institutions of higher education, each University Center for Excellence in Developmental Disabilities Education, Research and Education, the Protection and Advocacy Agency, and local agencies, non-governmental agencies, and private non-profit groups concerned with services for people with developmental disabilities in the State. Such representatives shall:

- (A) Have sufficient authority to engage in policy planning and implementation on behalf of the department, agency or program such representatives represent; and
- (B) Recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees or applicants and comply with the conflict of interest policies.

- (6) REPRESENTATION OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES - Not less than 60 percent of the membership of the Council shall consist of people who are:

- (A) (i) individuals with developmental disabilities;
- (ii) parents or guardians of children with developmental disabilities; or
- (iii) immediate relatives or guardians of adults with mentally impairing, developmental disabilities who cannot advocate themselves; and

(B) not employees of a State agency that receives funds or provides services under this part, and who are not managing employees of any other entity that receives funds or provides services under this part.

(7) COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES - Of the members of the Council described in paragraph (4):

(A) one-third shall be individuals with developmental disabilities as described in paragraph (6) (A) (i);

(B) one-third shall be parents of children with developmental disabilities as described in paragraph (6) (A) (ii), or immediate relatives or guardians of adults with mentally impairing developmental disabilities as described in paragraph (6) (A) (iii); and

(C) one-third shall be a combination of individuals described in paragraph (6) (A).

(8) INSTITUTIONALIZED INDIVIDUALS - Of the members of the Council described in paragraph (7), at least one shall be an immediate relative or guardian of an institutionalized or previously institutionalized individual with a developmental disability or an individual with a developmental disability who resides or previously resided in an institution. This paragraph shall not apply if such an individual does not reside in the State.

(9) NON-GOVERNMENTAL/NONPROFIT - At all times a representative of a non-governmental, non-profit agency that provides services and supports to people with developmental disabilities shall be a member of the Council.

## VI. MEETINGS

The Council shall meet at least quarterly as determined by the Chairperson

Notice of Council meetings plus agendas will be mailed to the administering agency at least two weeks prior to the meetings and each Council member will be notified by telephone and/or email one week prior to the meetings. The agenda will be developed by the Executive Committee and the Executive Director.

Each member of the Council shall have one vote. Representatives of members may vote in the member's absence with written authorization (proxy) to vote for the member.

The quorum at any meeting of the Council or any of its Committees shall consist of one half of the members with the addition of the Chairman. A quorum of the Council shall be required for the affirmative transaction of any business of the Council. A majority of the votes will carry.

All meetings shall be in compliance with the open meeting laws of the State of Nevada.

## VII. OFFICERS

The Chairperson and Vice-Chairperson will be nominated by the members of the Council. Elections will be held bi-annually at the September meeting and will coincide with the Federal Fiscal year. The officers will be limited to two consecutive terms.

The Vice-Chairperson shall assume the responsibilities of the Chairperson in his/her absence and shall be prepared to assume the duties of the Chairperson at the end of this tenure.

## **VIII. COMMITTEES**

(1) The Council shall have the following Standing Committees:

- a. Executive Committee
- b. Legislative/Advocacy Committee
- c. Planning/Evaluation Committee
- d. Budget Committee

(2) Membership:

- a. The Executive Committee shall consist of the Council Chairperson, Vice-Chairperson and Chairpersons of the standing committees. Immediate Council past Chairs and Council past Vice-chairs may remain at their own discretion for a period of one year. After the one year period, they may be reappointed by the sitting chair. It shall be chaired by the Council Chairperson.
- b. Members of other standing committees and their chairs shall be appointed by the Council Chairperson. The Chairperson of each committee shall be a Council member.
- c. Membership on standing committees, other than the Executive Committee, shall include Council members and other individuals deemed by the Council Chairperson to have expertise and knowledge that will enhance the function of the committee.
- d. Not more than ½ shall be individuals who are not Council members.
- e. Individuals appointed to committees shall have voting privilege within the committee, but are not voting members of the Council

(3) Duties:

- a. Executive Committee
  - i. The Committee shall act in behalf of the Council when the Committee determines that a situation exists that requires immediate attention and when it is not practical to convene a special council meeting.
  - ii. The Committee shall review biennial budget requests and monitor fiscal activity of the Council on a quarterly basis.
  - iii. The Committee shall establish the amount of funds available for sub-grants on an annual basis.
  - iv. Other duties deemed necessary by the Chairperson for the effective functioning Council.

- b. Legislative/Advocacy Committee
  - i. The Committee shall identify federal and state legislative issues of concern to the Council and make recommendations for informing congressional and state legislators about impact of potential legislation.
  - ii. The Committee shall identify and recommend public information and advocacy activities about developmental disabilities that are appropriate for the Council to initiate.
  - iii. Other activities as assigned by the Council Chairperson.
  
- c. Planning/Evaluation
  - i. The Committee shall participate in the development of the proposed Five Year Plan and its annual review and update.
  - ii. The Committee shall identify goals and objectives that can be met through the Notice of Funds Available process and assist in developing the NOFA.
  - iii. The Committee shall evaluate proposals for grants and make recommendations for funding to the full Council.
  - iv. 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.
  - v. Other activities as assigned by the Council Chairperson
  
- d. Budget Committee
  - i. The Budget Committee Chair shall be appointed by the DD Council Chairperson.
  - ii. The budget committee shall consist of the Chair and Vice-chair of the DD Council, a fiscal representative of the Designated State Agency and other members as appointed by the DD Chairperson.
  - iii. This committee will report at each DD Council meeting
  - iv. Other activities as assigned by the Council Chairperson
  
- e.. Other committees and task forces may be appointed by the Council Chairperson for specific periods of time when deemed necessary by a majority vote of the Council.

**IX. PROCEDURE FOR AMENDMENT**

The Rules of Organization and Procedures may be amended by recommendations of the Executive Committee and two-thirds vote of the members present and voting at any meeting; provided that the meeting and the wording of the proposed change are delivered to every member at least two weeks before the date of the meeting.

**X. DELEGATES TO THE NATIONAL ASSOCIATION of COUNCILS ON DEVELOPMENTAL DISABILITIES**

The Chairperson and the Executive Director will be voting delegates at the National Association of Councils on Developmental Disabilities meetings. The Council may also elect an additional member to serve as a delegate. The Chairperson and Executive Director may attend the annual Administration on Developmental Disabilities meeting. The Chairperson and Executive Director may designate his/her substitute to attend these National meetings.

**Adopted 12/07**

**Amended 03/09**