

**Nevada Governor’s Council on Developmental Disabilities
Governance Policy**

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Nevada Governor's Council on Developmental Disabilities Governance Policy

Council Responsibilities

The Nevada Governor's Council on Developmental Disabilities is responsible for advocacy, capacity building, and systemic change activities for individuals with developmental disabilities and their families. The Council shall serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects, and activities that enhance the quality of life for people with developmental disabilities.

The Council develops a State Plan that includes establishing and reviewing goals and objectives to meet their responsibilities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, PL 106-402, 2000 S 1809, 114 Stat 1677 (42 U.S.C. 15001 et seq.). The Council achieves their goals and objectives through Council members, staff, consultants, contractors and grantees as determined by the State plan.

Implementation of the plan is achieved through:

- Outreach
- Training
- Technical Assistance
- Supporting and educating communities
- Interagency Collaboration and coordination
- Coordination with related councils, committees, and programs
- Barrier elimination, systems design and redesign
- Coalition development and citizen participation
- Informing policymakers
- Demonstration of new approaches to services and supports

Governance Policies

The Council is responsible for forming the basic policies within which the Council office operates. Policies are created by the Council during regular meetings, and upon majority vote. Policies are developed to address specific issues or subjects that require additional direction to Council members, Standing Committee members or staff. Policies remain in force until terminated, revised or suspended by the Council.

The officers of the Council, a chairperson and vice –chairperson, are elected by the Council. The role of the Chairperson is to:

- Hire, supervise, and evaluate the Executive Director
- Serve as liaison between the Council and the Executive Director

- Prepare agendas for the quarterly Council meeting with support from the Executive Director.
- Represent the Council at state and national conferences.

The Vice-chairperson assumes the responsibilities of the Chairperson in their absence.

The Executive Director is hired by the Council to implement policy, assure compliance with state and federal law, and direct the day-to-day operations; which includes:

- Hiring and supervising staff positions in accordance with state personnel policies and regulations,
- Serving as liaison between the Council and DSA
- Assisting in carrying out the requirements of Part B of the Developmental Disabilities Assistance and Bill of Rights Act of 2000,
- Developing and authorize contracts and sub-grants to carry out projects,
- Authorizing expenditures from the approved Council budget.

Evaluations

The Council shall evaluate its progress towards achievement of goals and objectives on an annual basis at the end of the federal fiscal year. This is accomplished by an annual review of the state plan, completion of an annual program performance report and an annual self-evaluation process.

Monitoring and Evaluating of Grantees and Projects.

Grantees and internal projects shall be monitored on a quarterly basis through submission of quarterly reports. Grant project status reports shall be included in Council information packets distributed at or prior to each Council meeting.

Conflict of Interest

Section I. Statement of Purpose and Principles

All Developmental Disabilities Council members and employees enter into participation with the Council intending to serve the public and to further the independence, productivity, and integration into the community of people with developmental disabilities. Through these policies the Council intends to ensure with reasonable prudence that no member or employee realizes or creates the appearance of realizing financial gain of any character, nature or amount from Council actions. Members and employees shall not engage in any conduct or activity that might reasonably be interpreted by the general public as tending to adversely affect the performance of their official duties. Each member and employee shall, at all times, follow the procedures defined in these policies.

Section II. Authority

Nevada Statutes are applicable to members, sub-committee members and employees of the Council. All Council members, sub-committee members and employees are required to comply with all appropriate state statutes, including the following rules set forth by the Commission on Ethics, Chapter 281 – Public Officers and Employees:

- NRS 281.481: General requirements; exceptions.**
- NRS 281.501: Additional standards: Voting by public officers; disclosures required of public officers and employees; effect of abstention from voting on quorum; Legislators authorized to file written disclosure.**
- NRS 281.505: Contracts in which public officer or employee has interest prohibited; exceptions.**

Section III. Definitions

- A. Direct financial interest- Any situation that will result in a pecuniary benefit in the form of cash, salary or property to a person or his or her immediate family.
- B. Immediate family- Any spouse, child, step-child, parent or step-parent of a person.
- C. Indirect financial interest- Any situation that will result in a financial advantage to another person or organization with which a person has a relationship or association.
- D. Pecuniary benefit- Benefit in the form of property, but does not include:
 - a. property with a value of less than twenty dollars (\$20.00);
 - b. food or drink or entertainment authorized as a proper deductible expense for income tax purposes under the U.S. Internal Revenue Code up to an amount of one hundred dollars (\$100.000) per year; or
 - c. contributions to a political campaign of a public servant as provided in NRS 294A.100

Section IV. Individuals and Organizations Covered

Personal financial gain and private benefit to members, sub-committee members and employees through their participation on the Council shall be considered as conflict of interest. This policy shall apply to:

- A. The member or employee of the Council himself or herself;

- B. Any person, not an employee or member of the Council, serving as a member of a sub-committee of the Council.

Section V. Actions Prohibited

- A. No person included in Section IV shall seek to influence the vote regarding the awarding of a contract or grant by the Council when that person knows that he or she has a direct or indirect financial interest in the award.
- B. Except as reimbursement for approved out-of-pocket expenses, no person included in Section IV may directly receive funds, including any portion of his/her salary, from any grant or contract funded by the Council without first disclosing his or her relationship to the project. That person must refrain from participating in any discussion, decisions or review by the Council on that grant or contract. Following disclosure, the person may answer technical questions and provide factual information if requested by the Council.
- C. Council members and sub-committee members who are paid employees of organizations that have affiliated regional or local chapters shall not participate in the discussion, selection or award of grants or contracts when an affiliated chapter is an applicant or recipient. After disclosing that affiliation, the Council member or sub-committee member may, at the request of the Council, answer technical questions and provide factual information.

Section VI. Exceptions

- A. Nothing herein shall be construed to prohibit any firm, agency or organization that any member, sub-committee member, or employee of the Council is associated from appearing, rendering services in relation to any matter before, or transacting business with the Council.
- B. Any individual who has a developmental disability or who has a relationship, by blood or marriage, with a person with a developmental disability shall not be construed as having a conflict of interest based solely on that disability or relationship.
- C. Any individual who is also a consumer of services shall not be construed to have a conflict of interest in a specific project or organization if his or her participation is only as a consumer and if he or she exercises no administrative or decision making authority in the project or organization.

Section VII. Disclosure

- A. Each person included in Section IV shall disclose all conflicts of interest, including those that are uncertain or potential, as soon as the conflict becomes apparent.
- B. Disclosure of conflict or potential conflict of interest shall be made to the full Council prior to any discussion of the issue of conflict.

Section VIII. Determination of Conflicts

- A. A declaration of conflict by any person included in Section IV shall be accepted when that person indicates that a definite conflict exists.
- B. When a person indicates that they are uncertain whether a conflict exists in a specific situation or when there may be a potential future conflict of interest, the Council shall determine whether or not a conflict exists.

Section IX. Procedures

- A. All persons included in Section IV shall sign a confirmation document when they are appointed which acknowledges that they have received the Conflict of Interest Policy.
- B. Disclosure of conflict of interest shall be recorded in the minutes of the meeting.
- C. Any person who has disclosed or been found to have a conflict of interest must not, in relation to the matter in conflict unduly influence or vote in those areas where the conflict arises.

Section X. Violations and Penalties

- A. Any Council member, sub-committee member, employee or other person may bring suspected violations of this policy to the attention of the Chairperson who shall in turn report to the Council. The Council shall;
 - a. Notify the person alleged to be in violation of the allegation;
 - b. Gather pertinent documentation to support the allegation and to counter the allegation;
 - c. Review all pertinent documentation in relation to established policy;
 - d. Substantiate or dismiss the allegation.
- B. If the Council finds an intentional violation of these policies by a Council member, the Council shall forward a recommendation, with appropriate documentation to the Governor for his review and action.

- C. If the Council finds an intentional violation of these policies by a sub-committee member who is not a member of the Council, the Chairperson shall remove that person from the sub-committee.
- D. If the Council finds an intentional violation of these policies by the Executive Director, the Council shall initiate appropriate personnel action. In the case of the other employees, the Council shall forward findings to the Executive Director who shall initiate appropriate personnel action.
- E. If the Council finds that an unintentional violation of these policies occurred, the Committee shall define the area of conflict of interest and instruct the person to refrain from participation or discussion when that area is the subject of Council actions.

Evaluation of the Executive Director

The Chair of the Council shall cause at least an annual evaluation of the Executive Director by the Executive Committee to be submitted to the Bureau Chief of the Designated State Agency. Such evaluation process is to begin two months prior to the Executive Director's annual date of hire, and culminate in a timely fashion to coincide with the annual date of hire.

Response to Persons, Publication or Public Medium

Whenever there is an individual comment or an article that comes from a publication or public medium, wherein statements or comments are made for which a response on behalf of the Council may be in order or be desirable, the Executive Director and the Chair of the Council shall discuss the matter which shall be made in a timely fashion, and determine:

- A. If there will be a response, and
- B. What the response will be.

If a decision is made to respond to such, then those two persons will present the response by a phone call, personal meeting or letter. If time permits, a draft of such response shall be sent to the Council for review and comment, prior to distribution. If not, then the remainder of the Council or appropriate persons will be notified of what has occurred. This process provides for a timely response and notice to the Council.

Budget Committee

The Budget Committee Chair shall be appointed by the DD Council Chairperson.

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.

This committee will report at each DD Council meeting.

Discretionary Funds

A discretionary fund of up to \$10,000 will be established and a report of those funds utilized will be reported at the following DD Council meeting.

Reimbursable Expenses and Other Supports for Members to Attend Council/Committee Meetings

- a. Travel Reimbursement: Reimbursement of travel expenses for Council members, Committee members and staff doing business for the Council, Including mileage and per diem, shall be in accordance with the State Administrative Manual (SAM) Chapter 0200. Travel expenses shall be pre-approved by the Executive Director.
- b. Child Care Reimbursement: Reimbursement of costs for child care can be provided to those members that require this service in order to attend a Council/Committee meeting. Child care reimbursement shall be pre-Approved by the Executive Director.
- c. Stipends (Federal Law 42 U.S.C. sec. 15025(c)(8): A stipend of \$75 can be provided to a member if such member is not employed or must forfeit wages from other employment, to attend Council meetings and perform other Council duties. Stipends must be pre-approved by the Executive Director.
- d. Letters to Employers: Upon member request, letters can be written to employers on behalf of the Council beseeching employer support for the member to attend and continue receiving wages while attending Council/Committee meetings.

Policies and Procedures for Accommodation

Section I Support of Council/Committee Members

- A. All Council and Committee members will be provided with the support services they need in order to fully participate in Council and Committee meetings. Support services include, but are not limited to:
- a. Transportation: if a member is unable to transport themselves, the Council will pay all necessary cost for an attendant or driver to transport them. It is the responsibility of the member to notify Council staff to arrange for the hiring of the attendant or driver.
 - b. Attendant care: if a member needs a personal attendant to assist them while in attendance at meetings, the Council will pay for the cost of this service. It is the responsibility of the member to notify Council staff to arrange for the hiring of the personal care attendant.
 - c. Communication Assistance: if a member needs assistance to communicate or interpret/understand the proceedings of the meetings, the Council will provide this assistance. Such assistance may include an interpreter (sign language), a facilitator or a communication device (communication board). It is the responsibility of the member to notify Council staff to arrange for the appropriate communication assistance.
 - d. Accessible materials: all materials to be used during Council meetings will be made accessible to members with vision impairments at their request. Accessible means that the materials may be printed in Braille, printed in large type, or read onto audio tape.
 - e. Facility accessibility: all meetings of the Council and committees will be held in facilities which are fully accessible to any member using a mobility device.

Section II. Accommodations for Public Participation

All meetings will be held in accordance with the Nevada Open Meeting Law (Nevada Revised Statutes Chapter 241 – Meetings of State and Local Agencies).

Section III. Overnight Accommodations

It is the policy of the Council to encourage all Council members to exercise personal rights, responsibilities and choice. Therefore, the selection of an overnight accommodation while traveling on Council business is the responsibility of each individual Council member. Council staff will inquire as to the accessibility of accommodations and will report the responses to these inquiries in writing to Council members. The staff is not responsible for verifying the verbal claims of any business establishment.

If a Council member has difficulty with the accessibility of overnight accommodations, she/he should bring the matter to the Council's attention. After consideration of the facts, the Council may write to the owner/manager of the facility informing them of the problems encountered.

Section IV. Contracts

All contracts for grant funds shall include regulations from Title 45 of the Code of Federal Regulations (CFR).

Section V. Publications

All publications prepared and distributed by the Council shall be made available in alternative formats if requested.

Section VI. Grievance Procedures

Persons have the right to grieve compliance with ADA, sexual harassment & discrimination in accordance with the Nevada Administrative Code (NAC).