

Texas Council for Developmental Disabilities

Council Policies

Adopted by Council November 10, 2000

Revisions Approved May 10, 2002, August 8, 2003, August 13, 2004, November 5, 2004; February 4, 2005; February 3, 2006, November 3, 2006, August 3, 2007, February 22, 2008, February 12, 2010 and May 6, 2011

I. NAME

The Council is established in state statute as the Texas Council for Developmental Disabilities.

II. PURPOSE

The purpose of the Texas Council for Developmental Disabilities (hereinafter called "the Council") is to fully implement its responsibilities under the Developmental Disabilities Assistance and Bill of Rights Act as well as applicable state statutes. The Council's mission is stated in its State Plan.

III. MEMBERS

(Revised 11/03/06)

A. Membership. Members of the Council are appointed by the Governor in a manner consistent with federal and state law. Members shall include individuals with developmental disabilities, parents of individuals with developmental disabilities, and representatives designated by the chief executive officer of the following state agencies and organizations:

1. The Texas Education Agency,
2. The Department of Aging and Disability Services,
3. The Department of Assistive and Rehabilitative Services,
4. The Department of State Health Services,
5. The Texas Health and Human Services Commission,
6. Disability Rights Texas (formerly Advocacy, Inc.), and
7. The Center for Disability Studies at the University of Texas – Austin and
8. Center on Disability and Development at
Texas A&M University, College Station.

B. Terms. Members of the Council serve staggered terms as specified in state statute.

C. Council Member Expenses. Council members serve without salary but are entitled to receive reimbursement for actual expenses for all approved activities consistent with Council policies and state law.

D. Conflict of Interest. Council members shall adhere to the Conflict of Interest Disclosure Policy as approved by the Council as Appendix I.

IV. RESPONSIBILITIES OF COUNCIL AND THE EXECUTIVE DIRECTOR

(Revised 11/03/06)

A. General Powers and Responsibilities. The Texas Council for Developmental Disabilities is a 27 member board appointed by the Governor of Texas. The Council is an agency within the executive branch, but functions independently within its statutory authority to serve the long-term public interest.

B. Powers and Responsibilities of the Council. The Council is responsible for establishing the policy framework through which the agency carries out its statutory responsibilities. The staff of the Council receives direction from the Council through the Executive Director. Specifically, the Council shall:

1. adopt administrative rules that guide the staff in administering Council activities and projects;
2. approve State Plan and Plan amendments;
3. approve requests for appropriations;
4. approve an operating budget for the Council;
5. approve funding activities to be initiated with grant funds;
6. approve an internal audit charter, an annual internal audit plan, and review completed audits;
7. approve public policy Position Statements;
8. approve contracts, exclusive of grant awards, in excess of \$10,000;
9. approve new and continuation grant awards;
10. oversee operations of the Council for integrity, effectiveness, and efficiency;

11. establish procedures for reviewing appeals for actions of the Council and staff;
12. approve personnel policies for Council staff;
13. select the Executive Director;
14. approve staff positions; and
15. provide input to the Chair for the annual performance appraisal of the Executive Director.

C. Powers and Responsibilities of the Executive Director. The Executive Director is responsible for the effective and efficient administration of the policies established by the Council. Specifically, the Director shall:

1. select, organize, and direct the staff of the Council consistent with personnel policies approved by the Council;
2. establish the operating budget for the Council and allocate funds among strategies, programs, and projects within the limits of statutory authority and as set forth in the General Appropriations Acts of the legislature;
3. Serve as or designate a Chief Audit Executive to coordinate with and provide assistance to the internal auditor who will conduct a risk assessment, develop a proposed internal audit plan, and conduct audits consistent with the approved audit plan and/or special audits;
4. approve expenditures of funds within the budget approved by the Council in accordance with law;
5. approve grant awards for stipends grants and provide timely notice of such actions to the Executive Committee and Council;
6. coordinate request for proposals, proposal review, negotiation of initial and continuation workplan and grant awards, and provide technical assistance, support and monitoring of grant activities;
7. represent the Council and report on behalf of the Council to the Governor, Legislature, the public, or other organized groups as required;
8. report in a timely manner all relevant information first to the Chair and subsequently to all members of the Council, endeavoring to report to members of the Council in such a manner that the members are equally well informed on matters that concern the Council;
9. enter into Interagency Agreements and Memorandum of Understanding with other agencies and organizations, exclusive of the Memorandum of Understanding with the Council's designated agency, to implement the policies and positions of the Council;
10. collaborate with the Council's designated agency for efficient and effective administrative support pursuant to the Memorandum of Understanding;
11. represent the Policy Positions of the Council, and oversee staff activities to assure consistency with Policy Positions of the Council;
12. recommend to the Council policy positions and programmatic and budgetary activities to implement the Council's State Plan;
13. coordinate development of the Council's State Plan, amendments, annual reports, and other state or federal planning and reporting activities;
14. establish policies and procedures to ensure Council staff carry out responsibilities and activities as approved by the Council;
15. establish procedures to ensure Council staff comply with personnel policies as approved by the Council, including state requirements pertaining to work hours of state employees;
16. act as the Secretary for all Committees and the Council for purposes of certification of the Minutes of the Committees and Council following approval; and
17. delegate responsibilities to other Council staff as appropriate.

V. OFFICERS

(Revised 05/06/11)

A. Positions and Qualifications. Officers of the Council shall be a Chair and Vice-Chair. A representative of a state agency may not serve as an officer of the Council.

B. Appointment and Election Procedures.

1. The Council Chair shall be designated by the Governor to serve a term at the will of the Governor.
2. The Council Vice-Chair shall be elected by the Council at the first regular Council meeting of the new calendar year except for a vacancy. The term of office for the Council Vice-Chair shall be one calendar year. No member may hold the office of Council Vice-Chair for more than two consecutive full terms.

C. Vacancies in Office.

1. A vacancy in the office of Council Chair may be filled only by the Governor. The Council Vice-Chair shall perform the duties of the Chair during the period of vacancy.
2. A vacancy in the office of Vice-Chair may be filled by a majority vote of the members present at any scheduled meeting of the Council. Vice-Chairs elected in this manner shall serve until the election of a Vice-Chair at the first regular Council meeting of the new calendar year.

D. Duties of Officers.

1. The Chair is responsible for the general supervision of all activities of the Council in order to assure that the objectives of the Council are executed in the best possible manner. The responsibilities of the Chair shall include, but not be limited to, the following duties:
 - (a) The Chair shall preside at all Council meetings.
 - (b) The Chair shall serve as the Chair of the Executive Committee, as a non-voting ex-officio member of the Audit Committee, and as a voting ex-officio member of all other committees except the Nominating Committee.
 - (c) The Chair shall appoint the members of all standing and ad hoc committees except the Nominating Committee and the Executive Committee.
 - (d) The Chair shall appoint Chairs of all standing committees in a manner prescribed in Article VI of these bylaws. All such appointments are subject to the approval of the Council.
 - (e) The Chair shall call special meetings of the Council, as necessary.
 - (f) The Chair shall approve the agenda for each Council meeting.
 - (g) The Chair shall represent the Council at public meetings and conferences and in dealing with other organizations or shall designate an alternate to do so.
 - (h) The Chair shall approve out-of-state travel of Council members or staff pursuant to travel procedures established by the Executive Committee.
 - (i) The Chair shall provide advice and consultation to the Executive Director concerning activities conducted by Council staff.
 - (j) The Chair shall prepare the annual performance evaluation of the Executive Director after considering input from Committee Chairs and Council members.
 - (k) The Council Chair shall be authorized to act for the Council on matters which require Council action when neither the appropriate committee(s) nor the full Council can meet, providing:
 - i. input is solicited from the Council Vice-Chair, the Chair of the appropriate Committee, and other members of the Council reasonably known to be knowledgeable about the matter at hand (For purposes of this sub-section, "input" means to receive and disseminate information.); and,
 - ii such action shall be reviewed by the appropriate Committee of the Council when it next meets.In the event three or more Council members place in writing a request for recession of this authority to the Executive Committee, this authorization may be temporarily suspended by the Executive Committee pending full review by the Council. The Executive Committee shall review and affirm or disaffirm such actions and recommend to the Council continuance or discontinuance of authority for such matters.
 - (l) The Council Chair shall be authorized to approve a one-time adjustment to the amount previously authorized for a grant award when that amount is not more than 10% of the amount previously approved by the Executive Committee and not more than \$10,000, and shall report such actions to the Committee and Council.
2. **The responsibilities of the Vice-Chair shall include, but not be limited to, the following duties:**
 - a. The Vice-Chair shall perform the duties of the Chair in all cases when the Chair is unable to serve.
 - b. The Vice-Chair serves as Chair of the Audit Committee.
 - c. The Vice-Chair shall be a voting ex-officio member of all other committees except the Nominating Committee.
 - d. The Vice-Chair shall assume such additional duties as may be requested by the Chair.

VI. COUNCIL MEETINGS

- A. Schedule.** The Council shall meet quarterly in regular session on dates set by the Chair. Special meetings of the Council may be called by the Chair, the Executive Committee, or through the written request of five or more Council members.
- B. Agenda and Notice.** The Chair shall approve the agenda for each Council meeting. A copy of the agenda will be provided to each member of the Council at least 10 days prior to each meeting. The Chair and the

Executive Director shall ensure that all Council meetings conform to the requirements of the Texas Open Meetings Act.

- C. **Minutes.** The Executive Director shall be responsible for the preparation of minutes of each Council meeting and shall distribute approved minutes to members of the Council.
- D. **Quorum.** A quorum for Council meetings consists of a simple majority of all members.

VII. COMMITTEES OF THE COUNCIL

(Revised 5/06/11)

A. Establishment and Appointment.

1. There shall be the following standing committees of the Council:
 - (a) Executive Committee
 - (b) Audit Committee
 - (c) Public Policy Committee
 - (d) Project Development Committee
 - (e) Nominating Committee
2. The Chair shall recommend members of each standing committee except the Nominating Committee and the Executive Committee and shall recommend chairs of each standing committee except the Executive Committee, Audit Committee and Nominating Committee. All committee and committee Chair appointments shall be approved by the Council.
3. A Council member, with the exception of the Chair and Vice-Chair, may be a voting member of only one of the following committees: Public Policy or Project Development.
4. Committee Chairs shall serve two-year terms and may be re-appointed.
5. The Committee Chair shall name a Vice-Chair for the committee within 60 days of his/her approval by the Council.
6. The Council Chair and Council Vice-Chair shall not be appointed to serve as Chair or Vice-Chair of any standing committees except the Executive Committee and Audit Committee.
7. The Executive Committee consists of the Council Chair, Vice-Chair, the Chair of the Project Development Committee, the Chair of the Public Policy Committee, and a consumer member at large elected by the full Council. Committee Vice-Chairs may serve as a voting alternate to their Committee Chairs. The immediate past chair serving on the Council is a non-voting member. The Council Chair and Vice-Chair shall serve as the Executive Committee Chair and Vice-Chair, respectively.

B. Meetings.

1. A quorum for committee meetings shall be a simple majority of the active members of the committee.
2. A committee may make recommendations based on a simple majority of those present.
3. Written notice of each committee meeting shall be provided to all Council members at least 10 days prior to each meeting. Such notice shall include the time, date, place and items to be discussed at that meeting.
4. Written minutes of each committee meeting shall be prepared under the supervision of the Executive Director and shall be provided to members in a timely manner.

C. Executive Committee Duties.

The Executive Committee shall have the following powers and duties, and others that may be designated from time to time by the Council.

1. Act for the full Council on emergency matters when the full Council cannot meet, provided that the subsequent concurrence of a majority of the Council members shall be necessary to make such actions valid. In all actions of the Executive Committee, the legal rights of third parties shall be protected.
2. Review the internal organization and functions of the Council.
3. Report regularly its work and actions to the Council. The minutes of Executive Committee meetings shall be sent to all Council members.
4. Review applications for the position of the Executive Director of the Council consistent with the personnel policies of the Council.
5. Advise the Chair concerning the annual performance appraisal of the Executive Director.
6. Make recommendations to the full Council regarding staffing patterns necessary to effectively implement the State Plan.

7. Provide recommendations to the Council for annual budgets necessary to effectively implement the State Plan.
8. Annually review the TCDD Memorandum of Understanding with the designated state agency and recommend appropriate revisions to the Council and agency.
9. Periodically review the Policies and recommend appropriate revisions to the Council in a manner consistent with Section XI.
10. Act as the Review Panel for stipends grant applications.
11. Approve personnel policies for Council staff.
12. Approve travel procedures for Council members and staff and review a quarterly report of Council member and staff travel activities and expenses to ensure conformance to approved procedures and expectations.
13. Review Conflict of Interest Disclosure Statements of Council members and staff.
14. Review and approve Review Panel members for assessment of grant application responses.
15. Review recommendations for funding of each Review Panel and provide final approval of grant funding awards, exclusive of stipend grant awards.
16. Review concerns noted in independent audit reports of grantees and corrective actions initiated by TCDD staff.
17. Provide guidance to staff concerning concerns or corrective actions related to grant projects.
18. Review and approve annual continuation grant awards.
19. Report all grant funding award determinations and continuation grant awards to the Council.
20. Review staff reports of grantee on-site monitoring.
21. Review any suspensions of grant funds authorized by the Executive Director.
22. Approve termination of grant funding.
23. Provide input to the Chair concerning recommendations for final determination of any appeal of a funding decision by an applicant or grantee.

D. Audit Committee Duties and Composition.

1. The Audit Committee shall have the following powers and duties, and others that may be designated from time to time by the Council.
 - a. Annually review and make recommendations to the Council regarding an internal audit charter, an annual internal audit plan and any special audits;
 - b. Approve submittal of the annual internal audit plan subject to review and revision by the Council; and
 - c. Review audit reports from the internal auditor and make recommendations to the Council concerning actions or resolutions.
 - d. Provide guidance and oversight to the process to solicit offers for internal audit services once every five years and otherwise when determined to be appropriate, and recommend the final selection of an internal auditor to the Council.
 - e. Ensure that an entity selected to provide internal audit services not contract for a period, including renewals, longer than ten (10) consecutive years.
 - f. Ensure the External Quality Assurance Review of the TCDD internal audit function is conducted according to the Texas Internal Audit Act and the report is reviewed by the Audit Committee.
2. The Audit Committee shall be comprised of no more than five (5) members including the Chair.
 - a. The Council Vice-Chair shall serve as Chair of the Committee;
 - b. The Council Chair shall appoint other members of the Committee subject to approval by the Council;
 - c. The Council Chair shall be a non-voting ex-officio member of the committee.
3. The Audit Committee shall meet at least two (2) times yearly.

E. Public Policy Committee Duties.

The Public Policy Committee shall have the following powers and duties, and others that may be designated from time to time by the Council.

1. Coordinate action on advocacy goals, objectives, and activities of the Council.

2. Provide recommendations to the Council of advocacy and legislative activities based on input from the public, recommendations by grantees and all other sources of advocacy information.
3. Recommend specific strategies and funding activities to the Council or the Project Development Committee as appropriate for advancing priority public policy advocacy issues.
4. Participate in the development and revision of the State Plan.
5. Coordinate the public information activities of the Council.
6. Make recommendations to the full Council on future public information strategies.
7. Monitor and provide updates on the implementation of advocacy and public information goals and objectives in the State Plan.
8. Develop Position Statements in key advocacy issue areas for consideration by the Council.
9. Identify health and human services policy issues and develop recommendations to the Council and/or Project Development Committee for appropriate activities.

F. Project Development Committee Duties.

The Project Development Committee shall have the following powers and duties, and others that may be delegated from time to time by the Council.

1. Provide guidance and oversight to the overall planning and funding activities of the Council.
2. Provide guidance to Council staff regarding methods to monitor and review grant projects and providing summary report information on each grant to the Committee.
3. Provide recommendations to the Chair concerning grantee presentations to the Council.
4. Provide recommendations to the Council for the required State Plan or its annual amendments, including priority areas, goals, objectives, and activities consistent with a procedure approved by the Council.
5. Provide recommendations to the Council for funding activities, including Requests for Proposals, or to the Public Policy Committee of possible advocacy activities, based on the approved State Plan.
6. Monitor and provide updates on the implementation of goals, objectives and activities in the State Plan.
7. Review recommendations from other Committees and provide guidance to staff and/or recommendations to the Council as appropriate.

G. Nominating Committee Duties and Composition.

1. The Nominating Committee shall have the following powers and duties, and others that may be designated from time to time by the Council.
 - (a) Presents a recommendation to the full Council for the office of Council Vice-Chair at the winter Council meeting.
 - (b) Presents a recommendation to the full Council for a primary consumer delegate-at-large to the Executive Committee at the winter Council meeting.
2. Each standing committee except the Executive Committee shall elect one member for the Nominating Committee prior to the fall Council meeting.
3. At the fall Council meeting, the Council shall elect a member who is not an Executive Committee member to serve as a member of the Nominating Committee and, if necessary, an additional member to ensure a committee of not less than three nor more than five members. The members of the nominating committee shall select a Chair from among the members of the committee.