



Oregon Council on Developmental Disabilities

Organizational by-laws

Purpose of the Council

Article 1. Authority

The authority for the Council that was originally established in Executive Order 74-18 is continued by Executive Order 13-14, the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (PL 106-402) and supporting regulations.

Article 2. Mission

The mission of the Oregon Council on Developmental Disabilities is to advance social and policy change so that people with developmental disabilities, their families and communities may live, work, play and learn together.

Our vision is that all communities welcome and value people with disabilities and their families.

Article 3. Purpose

The Oregon Council on Developmental Disabilities is established to serve as an advocate for persons with intellectual and/or developmental disabilities and to advise the Governor, the Legislative Assembly, state agencies and the public on matters relating to the needs and rights of such persons and their families to be independent, productive and included in community life.

In doing so, the Council shall:

- A.** Prepare a state plan, as required by federal law, which describes the extent and scope of services provided to persons with intellectual and/or developmental disabilities by federally assisted state programs, set out specific objectives and related activities to be achieved under the plan, and list the state and federal resources to be used to meet such objectives.
- B.** Monitor, review and evaluate annually the implementation of its plan.
- C.** Review and comment on other state agency plans, rules, policies (current or proposed) which affect persons with intellectual and/or developmental disabilities.
- D.** Review and make recommendations to the Governor, state agencies, and the legislature regarding the administration, management, and utilization of program resources pertaining to persons with intellectual and/or developmental disabilities.
- E.** Review and make recommendations to the Governor, state agencies, and the legislature regarding current or proposed legislation affecting persons with intellectual and/or developmental disabilities.
- F.** Review and make recommendations regarding the state's system for monitoring the quality of, and human rights protections for, state-sponsored programs for persons with intellectual and/or developmental disabilities.
- G.** Assist state and local agencies in coordinated planning by conducting public policy forums, studies, and other assessments of the major issues and challenges facing the service delivery system.
- H.** Coordinate public education efforts which seek to promote positive attitudes toward, and valued acceptance of, persons experiencing intellectual and/or developmental disabilities.
- I.** Submit to the Director of the Department of Human Services, and the Governor, annual state plan progress and budget reports describing the objectives, activities, accomplishments and expenditures of the preceding year.

Organization of the Council

Article 4. Membership

A. Appointment

1. The Council shall consist of not more than 33 people appointed by the Governor.
2. The Council staff shall recommend candidates to the Executive Committee for approval.
3. Approved nominations are forwarded to the Governor for consideration for appointment.
4. Candidates are not voting members of the Council until formally appointed by the Governor.

B. Representation

1. As specified in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (PL 106-402), at least 60% of the membership of the Council shall consist of people who are persons with intellectual and/or developmental disabilities; parents, guardians or close family members of person with intellectual and/or developmental disabilities; and are not employees of a state agency which provides services or funding to people with intellectual and/or developmental disabilities.
2. At least one member shall be a person with an intellectual and/or developmental disability who has been institutionalized or an immediate relative or guardian of a previously institutionalized person.
3. The Council shall include in its membership representatives of the principal state agencies, each University Center for Excellence, the state Protection and Advocacy agency, and nongovernmental organizations invested in services for people with intellectual and/or developmental disabilities and their families in Oregon.
4. Council membership should represent the racial, ethnic

and geographic diversity of Oregon's population.

C. Term of Office

1. Consistent with the Governor's Executive Order, Council members shall serve four-year terms.
2. The Governor may re-appoint the same person to one succeeding term. Former members who wish to be nominated for reappointment may apply after waiting one full four-year term.
3. Exempt from this provision are representatives of agencies that have mandated seats on the Council:
 - a. Office of Developmental Disabilities
 - b. Vocational Rehabilitation (Rehabilitation Act)
 - c. Oregon Department of Education (Individuals with Disabilities Education Act)
 - d. Adults and People with Disabilities (Older Americans Act)
 - e. Oregon Center for Children and Youth with Special Needs (Title V)
 - f. Oregon Health Authority (Title XIX)
 - g. University Centers on Excellence in Developmental Disabilities (UCEDDs)
 - h. Disability Rights Oregon (Protection and Advocacy)
4. Representatives of these agencies may be subject to term limits or waiting periods for reappointment.

D. Attendance at Meetings

1. Members are expected to attend all regularly scheduled meetings of the full Council.

2. In accordance with Council policy, members who demonstrate an inability to attend meetings may be asked to resign.

E. Conflict of Interest

1. No Council member shall receive funds directly from the Oregon Council on Developmental Disabilities except as specified in Article 4.F.
2. A conflict of interest arises when a Council member has a financial relationship to, or is an employee, or on the Board of Directors, of an organization which intends to apply for or has applied for a grant or contract.

Any Council member who has a conflict of interest or a perceived conflict of interest must refrain from the following:

- a. Participation on the screening or selection committees involving funding decisions.
 - b. Participation in the discussion and voting at Council or committee meetings regarding funding awards and selection of the grantees or contractors. Members with a conflict of interest may be asked by the Chair to leave the room so the rest of the Council can speak freely.
 - c. Participating in any other Council processes that relate to funding specific to the issues that create the conflict of interest.
3. Council Members are obligated to inform the Council or Committee as soon as they know of any potential or actual conflicts of interest. Such notice shall be recorded in the minutes of the meeting.
 4. When it is unclear if a conflict of interest exists the Executive Committee or Executive Director shall make the determination. Until a determination is made, a conflict of interest shall be considered to exist.

F. Compensation and Expense Reimbursement

1. Members of the Council may receive compensation for their services, in accordance with ORS 292.500 and 292.495, as described below.
2. Council members who are not employed full time in public service and have an Adjusted Gross Income of less than \$50,000 if filing individually or less than \$100,000 if filing jointly shall receive \$151 for any day or part of a day where the Council member conducts official duties
3. For compensation purposes, “official duties” of a Council member includes attending full Council meetings and conducting other duties as requested by the Council Executive Director.
4. Council Members may also receive reimbursement, as specified in the current Executive Order and Council policies, for approved out-of-pocket expenses (e.g., meals, lodging, travel, childcare and personal assistance) necessary to perform their Council duties.

Article 5. Officers

A. Number of Officers

1. The Council shall have two officers: A Chair and Vice Chair.

B. Election of Officers

1. Officers are elected by majority vote for a two-year term and may serve no more than two consecutive terms in the same position.

C. Duties of the Chair

1. The Chair shall:
 - a. Work with the Executive Director to prepare an agenda for Council and Executive Committee meetings.
 - b. Preside at all meetings of the Council and Executive Committee. If the Chair is unable to preside, the Vice Chair shall preside. If the Vice Chair is unable to preside, the Chair shall designate another Council member to preside.

- c. Call special meetings of the Council as needed.
- d. Appoint all standing and ad hoc committee Chairs and Members.
- e. With the Executive Committee, monitor the job performance of the Executive Director and at least annually assist the Council in evaluating the Executive Director.
- f. Perform other duties as may be prescribed by law or by Council actions.

D. Duties of the Vice Chair

1. The Vice Chair shall:
 - a. Serve as Chair of the Council and Executive Committee in the absence of the Chair.
 - b. Serve on the Executive Committee.
 - c. Perform other duties as assigned by the Chair.

Article 6. Committees

A. Standing and Ad Hoc Committees

1. Standing committees of the Council shall include: The Executive Committee, a flexible fund committee, the Self-Advocacy Caucus, and the Family Issues Caucus.
2. The Council Chair may establish Ad Hoc Committees (as necessary) to carry out the work of the Council.
3. The Chair shall establish the purpose, objectives and time frame of Ad Hoc Committees. These shall be recorded in Executive Committee or Council Meeting Minutes.
4. The Council Chair shall appoint committee Chairs.
5. Committee Chairs shall be appointed or reappointed by the newly elected Chair or at any other time when necessary.

6. Committees may request the Council Chair add non-Council members if such persons have experience and knowledge that would benefit the work of the Council.
7. Non-Council Members are not eligible to receive compensation and expense reimbursement unless otherwise approved by the Chair. Non-Council Members may not vote.
8. The purpose and responsibilities of each Standing Committee shall be described in the OCDD Member Handbook.
9. Each Standing and Ad Hoc Committee shall be supported by at least one Council staff.

B. Executive Committee

1. Executive Committee members shall include the Council Chair, Vice Chair, and four additional members appointed by the Chair.
2. The Committee shall meet at least quarterly to conduct business of the Council. All business of the Executive Committee shall be conducted in compliance with the state Public Meeting law (ORS 192.630).
3. The Committee shall act on behalf of the Council when business cannot be presented to the full Council for action in a timely manner.
4. The Committee shall act only when a quorum is present in accordance with Article 7B.
5. The Committee shall provide general direction to the Executive Director.
6. The Committee shall assist the Chair and Executive Director to prepare the agenda and other materials for Council meetings.
7. The Committee shall assist the Chair to monitor the Executive Director's job performance, coordinate the Executive Director annual evaluation and recruit, screen and recommend candidates for Executive Director to the full Council for ratification.

8. The Committee shall review and recommend changes (as needed) to the Council bylaws and policies.
9. The Committee shall review the quarterly budget report at each of its meetings.
10. The Committee shall oversee the development of the Council's state plan.
11. The Committee shall insure that Council membership is consistent with all applicable Federal and State mandates as well as all Council imposed requirements.
12. The Committee shall plan and engage in activities designed to support Council Members in fulfilling membership expectations.

C. Committee Reports

1. All Committees shall report to the Council on a regularly scheduled basis determined by the Executive Committee.
2. Issues requiring Council action shall be presented at the next regularly scheduled Council meeting.
3. Action on committee issues may be taken between Council meetings, if necessary, by the Executive Committee in accordance with Article 6B3.

Article 7. Meetings

A. Authority

1. The Council may conduct business only when a quorum is present, and the Council is acting as a body in session.
2. All decisions shall be made by majority vote when there is a quorum in accordance with Article 7B.
3. Individual Members may not speak or act on behalf of the Council unless specifically authorized to do so by the Chair or Executive Director.

B. Quorum and Action

1. A quorum equals one more than half of the current membership.
2. Each Council Member is entitled to one vote on each matter on which the members vote. Actions are approved or denied by majority vote.
3. A majority vote equals at least one more than half of all votes cast when there is a quorum.
4. Actions may be taken without a meeting by electronic vote.
5. The results of the action taken by electronic vote must be recorded in the following Council Meeting minutes.

C. Conduct of Meetings

1. The Council shall meet at the call of the Chair, not less than six times per year.
2. All meetings of the Council shall be conducted in accordance with ORS 192.630, the Public Meetings Law, and shall be open to the public.
3. The Council will conduct all meetings in accordance with the Americans with Disabilities Act and ORS 192.630 (5)(a).
4. Executive Committee meetings shall be conducted in accordance with ORS 192.660.

D. Special Council Meetings

1. Special Council meetings may be called, as needed by the Chair.
2. If time constraints or lack of a quorum make it impossible to conduct Council business during regular or special meetings, the Chair may call a meeting of the Executive Committee to discuss matters requiring immediate consideration.
3. Any action taken in this form shall be reported to the full Council at its next meeting and recorded in the meeting Minutes.

4. Special or Executive Committee meetings may be held by phone in accordance with ORS 192.670.

E. Notice of Meeting

1. Written notice of Council meetings shall comply with the Public Meeting Law, ORS 192.630.

F. Public Testimony

1. Non-members who wish to testify on any matter under consideration by the Council may do so if recognized by the Chair.

Article 8. Minutes

- A. A written record of all regular and special Council and Executive Committee meetings shall be maintained by the Council (according to ORS 192.650).

Article 9. Agenda

- A. The agenda will be sent to Council members (and other interested parties upon request) at least one week in advance of the Council meeting.
- B. Agenda items may be added during a meeting by a majority vote of the members present when there is a quorum.

Article 10. Parliamentary Procedure

A. Governance

1. Robert's Rules of Order, revised will govern the Council's operating procedures, with the following exceptions:
 - a. Only members of the Council may make motions or seconds.

Article 11. Council staff

A. Appointment of Staff

1. The Council shall, consistent with state law, hire an Executive Director of the Council.
2. The Executive Director shall be supervised through the Executive Committee and evaluated by the Council.
3. The Executive Director shall hire and supervise the staff of the Council.

B. Assignments and Duties

1. The Executive Director is responsible for informing the Council and the designated state agency of Council practices and ensuring that the practices are consistent with state and federal law and administrative rules.
2. The Executive Director is responsible to the Council Chair for all other duties.
3. Other Council staff are responsible to the Executive Director.
4. The staff of the Council shall be responsible solely for assisting the Council in carrying out its duties in accordance with (PL106-402).
5. The Council staff shall prepare budget and contract documents in accordance with State and Federal requirements.
6. Council staff shall prepare an annual budget for approval by the Council, in accordance with the form and manner prescribed by the Council's policy statements.
7. Council staff shall present a bi-annual budget report to the Council for review.

Article 12. Amendments

- A.** Bylaws may be amended at any regular or special meeting of the Council by a two-thirds vote of the members present when there is a quorum.

1. For a two-thirds vote, the number of votes in favor must be at least twice the number of votes against.
 2. Abstaining votes or neutral votes are not considered.
- B.** The business meeting agenda and wording of the proposed amendment must be distributed to the total membership at least 20 business days prior to the date of the meeting.

Adopted: April 25, 1995

Amended:

October 13, 1999

March 19, 2001 (updated)

February 15, 2002

April 1, 2002

December 20, 2002

August 19, 2005

June 15, 2007

January 23, 2009

June 11, 2010

February 15, 2013

December 11, 2015

December 14, 2018

February 18, 2022

ATTACHMENT 1

Summary of Oregon Revised Statutes (ORS)

ORS 192.630 – Meetings of governing bodies to be open to public; location of meetings; access for people with disabilities; interpreters.

(5)(a) – It shall be considered discriminatory based on disability for a governing body to meet in a place inaccessible to people with disabilities, or, upon request of a hearing-impaired person, to fail to make good faith effort to have an interpreter provided at a regularly scheduled meeting.

ORS 192.650 – Written minutes required; content; content of minutes for executive session.

Written minutes for all meetings. Must reflect matters discussed and views of participants. Must be available to the public within a reasonable time.

ORS 192.660 – Executive sessions permitted on certain matters.

ORS 192.610 (Definitions for ORS 192.610 to 192.690) to 192.690 (Exceptions to ORS 192.610 to 192.690) do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 (Definitions for ORS 192.610 to 192.690) to 192.690 (Exceptions to ORS 192.610 to 192.690) for holding the executive session.

ORS 192.670 – Meetings by means of telephone or electronic communication.

(2) When telephone or other electronic means of communication is used, and the meeting is not an executive session, there must be at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body is present.

ORS 292.500 – Compensation and expenses of members of Oregon Council on Developmental Disabilities.

(1) As used in this section, “council” means the Oregon Council on Developmental Disabilities that receives federal financial support under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

(2) Each member of the Oregon Council on Developmental Disabilities is entitled to compensation as provided in ORS 292.495 (1).

(3) Subject to limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250, each member of the council may receive actual and necessary travel or other expenses incurred in the performance of the member’s official duties and not reimbursed from other sources.

(4) As used in subsection (3) of this section, “other expenses” means:

(a) Expenses not exceeding \$25 for each day that are incurred by a member of the council in employing another person to perform duties, including personal duties, normally performed by the member that the member is unable to perform because of other official duties that cannot be delayed without risk to health or safety.

(b) Notwithstanding paragraph (a) of this subsection, the actual cost of personal assistant services necessary for a member of the council to perform official duties of the member.

(c) Notwithstanding paragraph (a) of this subsection, the actual cost of care for children or family members with disabilities that is required to allow a parent or caregiver to perform the duties of a member of the council.

ORS 292.495 – Compensation and expenses of members of state boards and commissions.

(1) Subject to the availability of funds therefor in the budget of the state board or commission, and except as otherwise provided by law, any member of a state board or commission, other than a member who is employed in full-time public service, who is authorized by law to receive compensation for time spent in performance of official duties, shall receive a payment, in the amount specified in subsection (5) of this section, for each day or portion thereof during which the member is actually engaged in the performance of official duties.

(2) Except as otherwise provided by law, all members of state boards and commissions, including those employed in full-time public service, may receive actual and necessary travel or other expenses actually incurred in the performance of their official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250.

(3) As used in subsections (2) and (4) of this section, “other expenses” includes expenses incurred by a member of a state board or commission in employing a substitute to perform duties, including personal, normally performed by the member which the member is unable to perform because of the performance of official duties and which by the nature of such duties cannot be delayed without risk to health or safety. No member shall be reimbursed for expenses incurred in employing a substitute in excess of \$25 per day.

(4)(a) As used in this subsection, “qualified member” means a member who is not in full-time public service and who had an adjusted gross income in the previous tax year:

(A) Of less than \$50,000, as reported on an income tax return other than a joint income tax return; or

(B) Of less than \$100,000, as reported on a joint income tax return.

(b) Except as provided in subsection (6) of this section, and notwithstanding any other provision of law, a state board or commission shall provide to a qualified member of the state board or commission, at a minimum:

(A) Compensation, in the amount specified in subsection (5) of this section, for each day or portion thereof during which the member is actually engaged in the performance of official duties; and

(B) Reimbursement of actual and necessary travel or other expenses actually incurred in the performance of a member’s official duties within the limits provided by law or by the Oregon Department of Administrative Services under ORS 292.210 to 292.250.

(5) The compensation to be provided under subsections (1) and (4)(b)(A) of this section is equal to the per diem paid to members of the Legislative Assembly under ORS 171.072.

(6) A member of a state board or commission may decline to accept compensation or reimbursement of expenses related to the member’s service on the state board or commission.