

### **NOTICE/AGENDA**

## STATE COUNCIL ON DEVELOPMENTAL DISABILITIES EXECUTIVE COMMITTEE MEETING

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MEETING ID: 895 7797 2813

PASSCODE: 758409

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CALL IN NUMBER: (888)-475-4499 or (877)-853-5257

MEETING ID: 895 7797 2813

DATE: February 21, 2023

**TIME:** 10:30 AM – 3:00 PM

COMMITTEE CHAIR: Lee Bycel

Item 1. CALL TO ORDER

Item 2. ESTABLISH QUORUM

Item 3. WELCOME AND INTRODUCTIONS

ltem 4.	PUBLIC COMMENTS	

Page 4

This item is for members of the public to provide comments and/or present information to this body on matters not listed on the agenda. There will be up to 20 minutes allocated to hear from the public with each person allotted up to 3 minutes to comment.

Additionally, there will be up to 10 minutes allocated to hear from the public on each agenda item, with each person allotted up to 1minute to comment.

Item 5. APPROVAL OF OCTOBER 2022 MINUTES VMTE

Page 5

### Item 6. SPONSORSHIP REQUEST VMTE

Page 11

Ken DaRosa, Chief Deputy Director A. CHOICES Institute

### Item 7. CONFLICT OF INTEREST WAIVER REQUESTS VMTE Page 23 Brian Weisel, Legal Counsel

- A. Diane Larson, Board Member, Redwood Coast Regional Center
- B. William Lewis, Board Member, Redwood Coast Regional Center
- C. Laura Oakes, Board Member, San Diego Regional Center
- D. Ana Quiles, Treasurer, North Los Angeles County Regional Center
- E. Rocio Sigala, Board Member, North Los Angeles County Regional Center
- F. Susan Xiong, Board Member, Central Valley Regional Center
- G. Valerie De La Rosa, Board Member, Central Valley Regional Center

### Item 8. SCDD BUDGET UPDATE VMTE

Page 47

Ken DaRosa, Chief Deputy Director

- A. Budget Cover Sheet
- B. Budget Narrative with Line Item Definitions
- C. 2022/23 Approved Budget
- D. 2022/23 First and Second Quarter Report
- E. Draft 2023-2024 Proposed SCDD Budget

# Item 9. COUNCIL BYLAWS: PROPOSED AMENDMENTS & UPDATES VMTE Aaron Carruthers, Executive Director and Page 58 Brian Weisel, Legal Counsel

Item 10. SSAN MEMORANDUM OF UNDERSTANDING (MOU) VMTE Page 97

Aaron Carruthers, Executive Director

### Item 11. OUT-OF-STATE TRAVEL (OST) RESTRICTION UPDATE Page 103 Brian Weisel, Legal Counsel

### Item 12. EXECUTIVE DIRECTOR REPORT

Page 117

Aaron Carruthers, Executive Director

### Item 13. ADJOURNMENT AND NEXT MEETING DATE

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The next meeting of the Executive Committee will be on April 18, 2023.

### **Accessibility:**

Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Yaritza Sanchez at (916)-207-2856 or <a href="mailto:yaritza.sanchez@scdd.ca.gov">yaritza.sanchez@scdd.ca.gov</a>. Please provide at least 3 business days prior to the meeting to allow adequate time to respond to all requests.

All times indicated and the order of business are approximate and subject to change.

**FEBRUARY 21, 2023** 

AGENDA ITEM 4. INFORMATION ITEM

### EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

### **Public Comment**

This item is for members of the public to provide comments and/or present information to this body on matters not listed on the agenda. There will be up to 20 minutes allocated to hear from the public with each person allotted up to 3 minutes to comment.

Additionally, there will be up to 10 minutes allocated to hear from the public on each agenda item, with each person allotted up to 1 minute to comment.

### **FEBRUARY 21, 2023**

### **AGENDA ITEM 5.**

### **ACTION ITEM**

### EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

### Approval of October 2022 Minutes

The draft minutes from the October 27, 2022 Executive Committee meeting have been included in the packet for review. Committee members will vote on whether to approve the minutes.

### Attachment

October 2022 Executive Committee Meeting Minutes

### Action Recommended

Approve the October 2022 meeting minutes.



# DRAFT Executive Committee Meeting Minutes October 27, 2022

Members Attending				
Lee Bycel, Chair (FA)				
Nicole Adler (SA)				
Julie Austin (FA)				
Kilolo Brodie (FA)				
Kara Ponton (SA)				
Wesley Witherspoon (SA)				

# Members Absent Harold Fujita (FA) Maria Marquez (SA)

# Others Attending Rihana Ahmad Veronica Bravo Aaron Carruthers Michelle Cave Ken DaRosa Riana Hardin Derek Hearthtower

Derek Hearthtower Bridget Kolakosky Charles Nguyen Yaritza Sanchez

### Others Attending

Victoria Schlussler Brian Weisel

### 1. CALL TO ORDER

Executive Committee Chair Lee Bycel called the meeting to order at 10:39 A.M.

### 2. ESTABLISH QUORUM

A quorum was established.

### 3. WELCOME/INTRODUCTIONS

Members and others in attendance introduced themselves and provided brief statements about what they were grateful for.

### 4. PUBLIC COMMENTS

Self-advocate Derek Hearthtower provided a public comment. He shared that he founded an organization called Council for Autistic Empowerment, which seeks to build community culture, pride, acceptance in autistic people. More information can be found at: <a href="mailto:Empowerment.earth">Empowerment.earth</a>.

### 5. APPROVAL OF THE AUGUST 2022 MEETING MINUTES Action 1

It was moved/seconded (Witherspoon [S.A.]/Austin [F.A.]) and carried to approve the August 2022 meeting minutes as corrected. (Passed unanimously, see page one for list of members present.)

### 6. SPONSORSHIP REQUESTS

Chief Deputy Director Ken DaRosa presented five sponsorship requests for the Committee's consideration.

The first request for \$1,000 was from the University Center for Excellence in Developmental Disabilities (CEDD) at the MIND (Medical Investigation of Neurodevelopmental Disorders) Institute at the University of California, Davis. If approved, the requested funding would be utilized to offset the costs of honoraria for the speakers at their CEDD Spanish Conference. They were awarded sponsorships from SCDD in 2016, 2017, 2018, 2020, 2021, and 2022 for past events.

The second request for \$1,500 was from Disability Voices United. If approved, the requested funding would be utilized to help pay for language interpreters and translation of conference materials so that members can fully participate in the statewide virtual conference on the Self-Determination Program. They were awarded sponsorships from SCDD in 2017, 2019, 2020, 2021, and 2022 for past events.

The third request for \$1,500 was from the Special Needs Network. If approved, the requested funding would be utilized on outreach, curriculum document translations, and live translation during their Stepping Stones Parent Advocacy Mentor (PAM) Training.

The fourth request for \$1,500 was from the Special Needs Network. If approved, the requested funding would be utilized for outreach, translation, and marketing (Radio Ad) for their Mobile Flex Vote Center Event. Special Needs Network will distribute PPE &/or test-kits along with SCDD resources (pamphlets, tip-sheets) during this event.

The fifth request for \$1,500 was from the Special Needs Network. If approved, the requested funding would be utilized for outreach, translation, and marketing (Radio Ad) for their 14<sup>th</sup> Annual Christmas Care Exchange and Toy Giveaway. Special Needs Network will distribute PPE &/or test-kits along with SCDD resources (pamphlets, tip-sheets) during this event.

### **Action 2**

It was moved/seconded (Austin [F.A.]/Ponton [S.A.]) and carried to approve the University Center for Excellence in Developmental Disabilities (CEDD) at the MIND (Medical Investigation of Neurodevelopmental Disorders) Institute, Disability Voices United, and Special Needs Network sponsorship requests in the amounts requested. (Passed by roll call, see page one for list of members present.)

### 7. CONFLICT OF INTEREST WAIVER REQUESTS

Legal Counsel Brian Weisel presented three conflict of interest waiver requests for the Committee's consideration. There was one new request (Cali McKinzie) and two renewal requests (Dora Moorman and Laura Oakes). Detailed conflict of interest mitigation plans for each request were provided in the meeting packet.

### Action 3

It was moved/seconded (Austin [F.A.]/Ponton [S.A.]) and carried to approve the conflict of interest waiver requests Cali McKinzie (Far Northern Regional Center), Dora Moorman (Central Valley Regional Center), and Laura Oakes (San Diego Regional Center). (Passed unanimously, see page one for list of members present.)

### 8. EXECUTIVE DIRECTOR REPORT

Executive Director Aaron Carruthers provided Committee members with a report on recent Council activities and priorities.

During the last Executive Committee meeting, the Executive Director discussed the possibility of overspending on personnel due to a variety of reasons (e.g. retirees with large payouts, opportunity for current employees to cash out leave time, etc.). However, as time progressed, staff found that even with extra expenditures, the Council underspent in all three of its funding areas (federal dollars, national core indicator data collection, and contracts with DDS). It was proposed that some of the unspent federal and grant money be added to the Council's one-time funds, with the remainder carried over to the following year. The first quarter reports indicate that the budget remains in strong standing.

At the March Council meeting Assemblymember Maienschein presented legislation that the Council co-sponsored to reform conservatorships. Despite the bill passing, the supported decision-making technical assistance program, which was designed to help people understand their options when considering

conservatorship, was eliminated. The legislature passed a baby budget bill with additional spending on the last day of the legislative session. Assemblymember Maienschein used an uncommon technique known as a member request to award the State Council with five million dollars for the supported decision-making technical assistance program. The State Council will distribute three million dollars in grants to others, while the remaining two million dollars will be used to administer the program and for statewide work.

The "There Should be a Law Contest 2022" received 105 responses, 11 of which were in Spanish. Deputy Director Kolakosky and the policy team are sorting through the responses to find bill ideas that the Council could sponsor next year. UCLA believes that academic institutions should request research funding to investigate issues important to people with developmental disabilities. They have been collaborating with the Council's 2021 "There Should be a Law Contest" to capture community feedback in a published academic article. The Pro Tem's office, as well as other legislative offices, have expressed interest in the 2021 contest results. A consolidated report was shared with legislative offices to communicate the current and growing needs of the IDD/DD community.

As of December 1st, about a third of the entire legislature will be composed of new members. Although some of the institutional knowledge will be lost, it brings in unique opportunities to find, create, and cultivate new champions and allies for people with disabilities.

The Department of Finance reported that revenues are down by 15%, which creates uncertainty over what that means for the year. The Department of Finance, Governor's office, and legislature are monitoring the situation and preparing for the statewide impact.

The Executive Director referenced a chart showing SCDD's productivity from 2013 to 2021. Trends reflect a decrease in the number of employees, but an increase in funding, one on one assistance, people served, and total number of people reached. A year before Mr. Carruthers arrived, the State Council served 21,000 people and reached a total number of 86,000 people. In 2021, the Council served 112,000 people and reached a total of 2.8 million people. Over the past few years, staff has taken on additional tasks in Sacramento to meet the growing needs of the Council. In addition to its Council and Committee work, SCDD is also involved in the Statewide Self Determination Advisory Committee, DS Task Force and nine workgroups, Self Determination Program Evaluation, Interagency Advisory Committee on Apprenticeships, Authorized

Representation, Statewide Self-Determination Orientation Training, multi-year phaseout plan of subminimum wage, Statewide Self Determination Standard Orientation, and the Supported Decision Making Technical Assistance Program.

Executive Director Carruthers and Chair Witherspoon met with the Special Needs Network in Los Angeles to build a partnership. The organization focuses on African American and Latinx families with Autism in Los Angeles. Mr. Carruthers concluded his report by announcing that he will begin in person visits with Councilmembers and regional offices

### 9. YEAR END DISCUSSION

Executive Committee Chair Lee Bycel and Committee members shared gratitude and moments of celebration for the end of the year.

Mr. Bycel expressed his gratitude with members attending meetings with great energy, respect, and commitment to the work that needs to get done. He celebrated staff for their nimble work on inclusion, diversity, and outreach. Committee members took turns sharing gratitude for love, healing, kindness, staff support, the work done in getting legislation passed, and member to member support during difficult times.

### 10. ADJOURNMENT AND NEXT MEETING DATE

The next Executive Committee meeting will be held on February 21, 2023. Meeting adjourned at 12:19 P.M.

### **FEBRUARY 21, 2023**

### **AGENDA ITEM 6.**

### **ACTION ITEM**

### EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

### Sponsorship Request

Chief Deputy Director Ken DaRosa will present one sponsorship request for the Committee's consideration. The sponsorship is from the CHOICES Institute.

Following Chief Deputy DaRosa's presentation, members will vote on whether to approve the request.

### Attachment(s)

CHOICES Application Package Sponsorships Awarded FY 2022-2023

### Action Recommended

Approve the sponsorship request from the CHOICES Institute.

### **COUNCIL AGENDA ITEM DETAIL SHEET**

**ISSUE: CHOICES Institute** 

AMOUNT: \$1,500.00

**BACKGROUND**: The California State Council on Developmental Disabilities (SCDD) supports events that promote self-advocacy, leadership and education, thereby enabling people with developmental disabilities and their family members to expand their knowledge and skills.

**ANALYSIS/DISCUSSION:** CHOICES Institute is requesting a sponsorship for "Roller Coaster of CHOICES- the Ups & Downs of Your CHOICES" 2023 conference. Participants of the conference both virtually and in person will gain knowledge from their peers and the opportunity to learn from the entire experience. They can use this knowledge and experience in their own life. The conference is scheduled for Friday, April 14, 2023.

The conference will provide keynote speakers with developmental disabilities, Microbusiness Fair, Entertainment during lunch by The Advocates -a group of adults with developmental disabilities that are paid for their time, and hire Futures Explored to record the conference.

The CHOICES Institute provides education through an annual conference and training seminars for persons with developmental disabilities, their families, professionals, volunteers, service providers, regional center staff and others.

SCDD's funds would be utilized to offset the costs for the speakers and the performance by The Advocates.

They were awarded a sponsorship from SCDD in 2015 and 2018 for this event.

**COUNCIL STRATEGIC PLAN GOAL/OBJECTIVE:** Goal 3.2-The Council will engage in 100 projects and events in the areas of employment, education, housing, health/safety, and emerging issues, reaching 25,000 people (family/self advocates/others) with information and resources to enhance their knowledge and increase their capacity to obtain supports and services that are important to them.

**PRIOR COUNCIL ACTIVITY:** Since the beginning of FY 2022-23 the Council has awarded \$18,600 in funds for sponsorship requests. The Council allocates \$25,000 per fiscal year for sponsorships. The fiscal year began July 1, 2022.

**STAFF RECOMMENDATION:** Approve the CHOICES request for sponsorship.

ATTACHMENTS(S): CHOICES request for sponsorship.

**PREPARED:** Kristie Allensworth February 6, 2023

### **SCDD Sponsorship Application:**

### **CHOICES 2023 Conference**

December 22, 2023

### a. The name, date, location and description of your event/conference;

- CHOICES 2023 Conference "Roller Coaster of CHOICES- the Ups & Downs of Your CHOICES"
- Friday, April 14, 2023, from 10:00am-2:00pm
- Hybrid- on zoom & in person at the San Joaquin County Office of Education,
   Stockton, CA
- The CHOICES Institute provides education through an annual conference and training seminars for persons with developmental disabilities, their families, professionals, volunteers, service providers, regional center staff and others.
- The CHOICES Committee is a collaborative group made up of individuals with developmental disabilities, family members, various service provider agency representatives within our region (Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties), as well as SCDD North Valley Hills, Valley Mountain Regional Center and the San Joaquin County Office of Education.
- The 2023 Conference will provide keynote speakers, Microbusiness Fair, Entertainment during lunch by The Advocates -a group of adults with developmental disabilities that are paid for their time, and hire Futures Explored to record the conference.
- All in person attendees will pay a fee of \$30 which will get the attendee lunch (a choice of type of sandwich is offered), all the conference handouts (which can include various handouts from the speakers possibly or notices of related upcoming events or even SCDD informational materials), as well as a CHOICES t-shirt.
- All virtual attendees will pay \$10 which will get the attendee a CHOICES tshirt delivered or mailed and zoom link.

- Participants of the conference both virtually and in person will gain knowledge from their peers and the opportunity to learn from the entire experience. They can use this knowledge and experience in their own life.
- The CHOICES Conference Committee is requesting \$1500 to help fund the following:

A performance by The Advocates

Speaker Fees (to include the two emcees)

Conference fee sponsorships for 20 self-advocate/family advocate/teacher attendees from 5 counties

- b. How this event/conference will increase the ability of consumers and family members to exercise control, choice and flexibility in the services and supports they receive, including a description of the specific way SCDD's funding would be utilized;
  - This annual event sells out every year. Most of the audience is made up of people with developmental disabilities who receive services from Valley Mountain Regional Center. By attending this conference and gaining knowledge and information participants learn to exercise control, choice and flexibility in the service they receive. The SCDD funds will be used to offset the cost of the conference which will allow the CHOICES Institute to keep the registration fee low.
  - Participants of the conference both virtually and in person will gain knowledge from their peers and the opportunity to learn from the entire experience. They can use this knowledge and experience in their own life.
  - The CHOICES Conference Committee is requesting \$1500 to help fund the following:
    - A performance by The Advocates, Speaker Fees (to include the two emcees) and Conference fee sponsorships for 20 self-advocate/family advocate/teacher attendees from 5 counties
- c. How many presenters or panelists will participate in the event and what number of the presenters or panelists will be consumers;

- The emcees of the event are two self-advocates
- The Keynote speakers are all self-advocates (there will be 3 or 4 speakers)
- The microbusiness owners are people with developmental disabilities and do not have to pay for a table.

# c. The number and type of expected attendees (e. teachers, providers, administrators, etc.), including how many of those attendees are expected to be consumers and family members;

- Typically, this conference sells out each year- we get 500 attendees. The
  majority of our audience is made up of self advocates that include
  Transition aged students. There are service providers, educators, family
  advocates and regional center staff as well.
- Due to Covid- the last two conferences were done on zoom at no cost and were only 2 hours long. This year's conference will be hybrid therefore there could be more participants that past years.

### d. List of Supporting Organizations:

- State Council on Developmental Disabilities North Valley Hills
- Central Valley Training Center
- Coalition of Local Area Service Providers (CLASP)
- Creative Support Alternatives/SDSU
- Disability Resources Agency for Independent Living (DRAIL)
- Disability Rights California/Office of Clients' Rights Advocacy
- Family Resource Network
- Futures Explored/Future Films
- Lodi Unified SELPA
- Valley CAPS
- Person Centered Services
- San Joaquin County Office of Education SELPA
- Self Advocacy Council 6
- United Cerebral Palsy of Stanislaus
- Valley Mountain Regional Center

### e. How you will conduct outreach to increase consumer and family involvement in the conference;

- Outreach of this event is done by the conference planning committee. The Self Advocacy Council 6 provides information and materials at their CHAT meetings, SCDD North Valley Hills disseminates information and material as do the rest of the committee members.
- Social Media from SAC6, SCDD & VMRC is used.
- Because it is an annual even held in April of each year, people know to look for information on the CHOICES Institute website. We also have a t-shirt and video contest which helps people know the theme and give them an opportunity to be part of the event by sending in artwork or video work.
- VMRC provides the CHOICES information in their weekly Health Advisory which goes out in English & Spanish.

# f. A complete and total budget, including the amount you are requesting (\$1,500 limit), details on the amount and sources of other funds solicited or obtained;

The CHOICES Institute is requesting \$1500 to help fund the following: (\* full budget included at end of this request)

- A performance by The Advocates= \$500
- Speaker Fees (to include the two emcees) = \$1,000 (CHOICES registration fees will cover the rest of this line item)
- OTHER SOURCES: CHOICES Institute receives in kind support from the San Joaquin County Office of Education (SJCOE) in regard to space, staff time and folders for the event and from SCDD North Valley Hills in regards to hosting our planning team meetings and other technical support of this event. Legends Apparel provides a reduced price for the t-shirts.

### h. A list of other SCDD sponsorships and grants you have previously requested and/or received;

- CHOICES Institute requested and received \$999 from SCDD for the 2015 & 2018 CHOICES Conferences.
- CHOICES Institute did complete the payee data in 2015.

i. A letter of recommendation from a consumer and/or family organization that supports your efforts to improve consumer and family self-advocacy

#### **Submitted two letters:**

- Self Advocacy Council 6 (SAC6)
- Family Resource Network(FRN)
- 2. Acknowledgement during the event that consumer and family participation in the event is made possible, in part, with funding from the California State Council on Developmental Disabilities will occur at the morning welcome by SCDD North Valley Hills manager, through SCDD signage, SCDD logo on conference materials and SCDD will have a resource table.

On behalf of the CHOICES Institute, I thank you for your time and attention to this matter. The CHOICES Conference is a worthwhile event and it does highlight self-advocacy which is in line with SCDD's state plan goal on Self Advocacy. I can be contact at our CHOICES line- 209-473-6950 or email: timcabral75@gmail.com.

Respectfully,

Tim Cabral CHOICES Institute Chairperson

### **Prospective** Budget for the CHOICES 2023 Conference

Income:		Totals:
Participants= average 500		
50 staff & professionals-in person	\$30 x 50	\$1,500
450 individuals with	Rate of \$30 x	
disabilities/family members -in	450	\$ 13,500.00
person		
100 VIRTUAL Attendees	\$100 x 10	
		\$1,000
Money from registration fees		\$ 16,000
Expenditures:		
Use of SJCOE Building	In kind donation	\$0
	SJCOE	
Liability Insurance		\$200.00
Speakers fees		\$1500.00
The Advocates		\$500.00
Possible need for Hotel room(s)		
for speaker and possible support		\$200.00
staff		
CHOICES Scholarships		\$600.00
Printing (poster		
winner/registration materials)		\$100.00
Postage		\$100.00
Signage		\$50.00
CHOICES T-shirts		\$5500
Conference Packet materials &	In kind	\$ 0
handouts	donations from	
	SJCOE & SCDD	
	NVH	
Food- Continental Breakfast,	Estimated as	\$ 8000.00
coffee service and Panera Lunch	costs have	
	increased	

"The Advocates" to sing at lunch (individuals with disabilities hired	SCDD request	\$ 500.00
from Person Centered Services)		
Contract with Futures Explored for filming and editing		\$500
Certificates, holders and cash		
award to t-shirt and video winners		\$ 100.00
Voicemail Line Fee	In kind donation	\$0
Total Expenditures		\$17,350
Income of \$16,000.00 less Expenditures \$ 17,350		= \$-1350
<b>Less SCDD Sponsorship</b>		= \$-150
request of \$1500		

December 29, 2022

State Council on Developmental Disabilities,

I am writing this letter of support to the CHOICES Institute's application for a SCDD Sponsorship for 2023 CHOICES Conference to be held on April 14, 2023, at the San Joaquin County Office of Education, Stockton CA.

The Self Advocacy Council 6 is on the planning team of the annual conference. The conference sells at nearly every year reaching 500 people that attend this conference to gain knowledge from their peers and hear real life stories from guest speakers who are also self-advocates. They can then use this knowledge in their life experiences. Our speakers for the 2023 conference are people with developmental disabilities. The theme is the "Roller Coaster of CHOICES- The Ups & Downs of Your CHOICES".

The \$1500.00 will help the CHOICES Institute cover the Speaker Fees (and 2 emcees) and sponsorships for 20 self-advocates *I* family advocate/teacher attendees from 5 counties.

Thank you for considering the CHOICES Institute Sponsorship request.

Sincerely-

Dena Pfeifer SAC6

Chairperson

### Sponsorships Awarded for 2022/23

Name	Event Date:	Amount Dominated	Amazona Assaudada	Amount Invoiced	2022/22 Damaining Funda
Name:	Event Date:	Amount Requested:	Amount Awarded:	Amount Invoiced:	2022/23 Remaining Funds
The University Center for Excellence in Developmental					
Disabilities	8/3/2022	\$1,200	\$1,200		\$23,800
Special Needs Resource	, ,	, ,	. ,		. ,
Foundation of San Diego	7/15/2022	\$1,200	\$1,200	\$1,200	\$22,600
	, -, -	, ,	.,	,,,,,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
The University Center for					
Excellence in Developmental					
Disabilities (CEDD) at the MIND					
(Medical Investigation of					
Neurodevelopmental Disorders) Institute at the University of					
California, Davis	10/12/22	\$1,000	\$1,000	\$1,000	\$21,600
Camerina, Zavio	10/12/22	ψ.,σσσ	Ψ1,000	Ψ.,σσσ	Ψ= :,000
Special Needs Network, Inc	12/17/22	\$1,500	\$1,500		\$20,100
Special Needs Network, Inc	11/5/22	\$1,500	\$1,500		\$18,600
Opedial Needs Network, me	11/0/22	ψ1,300	Ψ1,500		ψ10,000
	October-				
Special Needs Network, Inc	November 2022	\$1,500	\$1,500		\$17,100
Disability Voices Untied	12/2/22	\$1,500	\$1,500		
	Totals:	\$9,400	\$9,400	\$2,200	\$15,600

### **FEBRUARY 21, 2023**

### **AGENDA ITEM 7.**

#### **ACTION ITEM**

### EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

### Conflict of Interest Waiver Requests

Legal Counsel Brian Weisel will present conflict of interest waiver requests from the following members:

- A. Diane Larson, Board Member, Redwood Coast Regional Center
- B. William Lewis, Board Member, Redwood Coast Regional Center
- C. Laura Oakes, Board Member, San Diego Regional Center
- D. Ana Quiles, Treasurer, North Los Angeles County Regional Center
- E. Rocio Sigala, Board Member, North Los Angeles County Regional Center
- F. Susan Xiong, Board Member, Central Valley Regional Center
- G. Valerie De La Rosa, Board Member, Central Valley Regional Center

Committee members will vote on whether to approve these requests.

### Attachment(s)

Staff analysis detail sheets for Regional Center Board Members Diane Larson, William Lewis, Laura Oakes, Rocio Sigala, Susan Xiong, Valerie De La Rosa and Treasurer Ana Quiles.

#### Action Recommended

Approve the conflict of interest waiver requests.

### **COUNCIL AGENDA ITEM DETAIL SHEET - RENEWAL**

**ISSUE**: Regional Center Conflict of Interest (COI)

**BACKGROUND**: Codified in Welfare and Institutions (W&I) Code sections 4500 et seq., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.<sup>1</sup> The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.<sup>2</sup>

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

Diane Larson, Board Member, Redwood Coast Regional Center: Diane Larson was appointed to the Board of Directors of the Redwood Coast Regional Center (RCRC) on September 21, 2019. Ms. Larson's husband currently works for Chance 4 Change, a RCRC vendor that provides support services to RCRC clients. Her husband is a personal assistant and provides supported living services to consumers.

The RCRC Board of Directors has a public member recruitment and appointment process which is subject to public review and engagement. RCRC recruits perspective board members by advertising their recruitment efforts within the agency, with their community partners, and using public forums, i.e. community meetings/networks/county coordinating councils, websites and E-Blast notifications. Where there are County Coordinating Councils, the Councils make recommendations to the County Board of Supervisors who make the actual appointment. For Counties without a County Coordinating Council, final appointments are decided by the membership committee of the RCRC Board of Directors which completes the appointment process.

This is a waiver request renewal. The Council previously approved Ms. Larson's waiver request in July of 2021.

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<sup>&</sup>lt;sup>1</sup> Welf. & Inst. Code § 4626, subd. (I).

<sup>&</sup>lt;sup>2</sup> Welf. & Inst. Code § 4628.

Conflict of Interest Waiver Diane Larson Page 2

### **DISCUSSION:**

<u>Conflict of Interest</u>: Department of Developmental Services (DDS) Regulation<sup>3</sup> 54520 provides in part that a conflict of interest exists when the board member, **or a family member** of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;
- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) an employee;
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Ms. Larson's conflict of interest arises because her husband's employment with a RCRC vendor.<sup>4</sup> To address the conflict, Ms. Larson submitted the following Conflict of Interest Resolution Plan (Plan):

- Ms. Larson will fully disclose the existence and nature of the conflict of interest to RCRC's Board and have it noted in the official Board records;
- 2. Ms. Larson will abstain from voting on any matter pertaining to Chance 4 Change;
- 3. Ms. Larson will not use her position as a Board member to exert influence on decision-making regarding Chance 4 Change;
- 4. Ms. Larson will not participate in the preparation, presentation, formulation, or approval of reports, plans, policies, analyses, opinions

<sup>&</sup>lt;sup>3</sup> DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seq.

<sup>&</sup>lt;sup>4</sup> Cal. Code Regs., title 17, § 54520(a)(10).

Conflict of Interest Waiver Diane Larson Page 3

or recommendations regarding her conflict of interest when the exercise of judgment is required, and the purpose is to influence the decision;

- Ms. Larson will not be involved in the negotiation, obligation, or commitment of RCRC to a course of action involving her conflict of interest; and
- 6. RCRC's Board President and Board members will be responsible for ensuring that Ms. Larson complies with this Plan.

The proposed Plan submitted by Ms. Larson appears to mitigate concerns over a conflict of interest that could result based upon her husband's employment with a RCRC vendor. Ms. Larson has reported no other conflicts of interest. Accordingly, the staff recommendation is to approve Ms. Larson's waiver renewal request.

**STAFF RECOMMENDATION**: Approve Ms. Larson's waiver renewal request.

PREPARED BY: Legal Counsel Brian Weisel – February 7, 2023.

#### COUNCIL AGENDA ITEM DETAIL SHEET - Renewal

**ISSUE**: Regional Center Conflict of Interest (COI)

**BACKGROUND**: Codified in Welfare and Institutions (W&I) Code sections 4500 et seg., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.<sup>1</sup> The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.<sup>2</sup>

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

William Lewis, Board Member, Redwood Coast Regional Center: William Lewis is a member of the Board of Directors of Redwood Coast Regional Center (RCRC). Mr. Lewis's sister, Veronica Lewis, is employed by RCRC's Eureka office serving children and transition aged adults in Humboldt County. RCRC advises that Veronica is not a member of management and has no organizational decision or policy making authority in any of the positions she holds with RCRC or its vendors.

The Council previously approved a Conflict Waiver for Mr. Lewis under similar circumstances in May of 2021.

#### **DISCUSSION:**

**Conflict of Interest**: Department of Developmental Services (DDS) Regulation<sup>3</sup> 54520 provides in part that a conflict of interest exists when the board member, or a family member of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;

<sup>&</sup>lt;sup>1</sup> Welf. & Inst. Code § 4626, subd. (/).

<sup>&</sup>lt;sup>2</sup> Welf. & Inst. Code § 4628.

<sup>&</sup>lt;sup>3</sup> DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seg.

Conflict of Interest William Lewis Page 2

- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee:
- (9) an agent;
- (10) an employee;
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Mr. Lewis's conflict of interest arises because he has a family member who is employed by RCRC.<sup>4</sup> To address the conflict, Mr. Lewis and RCRC submitted the following Conflict of Interest Resolution Plan (Plan):

- As a member of RCRC's Board of Directors, Mr. Lewis shall have no role or involvement with any matter that might affect RCRC employees directly, including but not limited to: Participation in any discussions, recommendations, or decisions about employee salaries, promotions, or benefits;
- 2. Mr. Lewis will fully disclose the existence and nature of the conflict to the RCRC's Board and have it noted in the official Board records;
- 3. Mr. Lewis will abstain from voting on any matter pertaining to RCRC employee salaries, promotions or benefits which could impact his sister's benefits;
- 4. Mr. Lewis will not use his position as a Board member of RCRC to exert influence on decision-making regarding RCRC's employees, salaries, positions, or benefits.
- Should matters related to RCRC employees, salaries, positions or benefits arise during any Board of Trustees' meetings (Board or Committee meetings), Mr. Lewis will refrain from participating in the discussion;

<sup>&</sup>lt;sup>4</sup> Cal. Code Regs., title 17, § 54520(a)(10).

Conflict of Interest William Lewis Page 3

- 6. Given the specific set of circumstances, RCRC Board President and other Board members are responsible for ensuring Mr. Lewis complies with Welfare & Institutions Code, section 4622 (k)(2); and
- 7. RCRC's Board President and Board members are responsible for ensuring that the plan and its safeguards are applied and monitored.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon the positions Mr. Lewis's sister holds with RCRC. This appears to be sufficient to alleviate and potential Council concerns.

**STAFF RECOMMENDATION**: Approve Mr. Lewis's waiver request.

REPARED BY: Legal Counsel Brian Weisel, February 6, 2023.

#### COUNCIL AGENDA ITEM DETAIL SHEET - Renewal

**ISSUE**: Regional Center Conflict of Interest (COI)

**BACKGROUND**: Codified in Welfare and Institutions (W&I) Code sections 4500 et seq., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.<sup>1</sup> The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.<sup>2</sup>

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

Laura Oakes, Board Member, San Diego Regional Center: Laura Oakes is a member of the Board of Directors of San Diego-Imperial Counties Developmental Services, Inc., which does business as San Diego Regional Center (SDRC). Ms. Oakes' sister, Rosario Oakes, is employed by: Step Into Success Independent and Supported Living Services; YMCA Respite Services; and, St. Madeline Sophie's Center. Rosario Oakes provides direct care and support to SDRC consumers in all of her positions for those SDRC vendors. Ms. Oakes has another sister, Deborah Worthen, who is employed by YMCA Respite Services, where she provides direct care and support to SDRC consumers. SDRC advises that neither sister is a member of management and has no organizational decision or policy making authority in any of the positions they hold with SDRC vendors.

SDRC utilizes a public board member recruitment process. In the fourth calendar quarter each year, recruitment activities begin to fill any board vacancies scheduled for the upcoming January. The board holds its Annual Organization Meeting in the beginning part of January to elect new board members.

The Council previously approved a waiver submitted by Ms. Oakes at its October 2022 meeting.

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<sup>&</sup>lt;sup>1</sup> Welf. & Inst. Code § 4626, subd. (I).

<sup>&</sup>lt;sup>2</sup> Welf. & Inst. Code § 4628.

Conflict of Interest Laura Oakes Page 2

### **DISCUSSION:**

<u>Conflict of Interest</u>: Department of Developmental Services (DDS) Regulation<sup>3</sup> 54520 provides in part that a conflict of interest exists when the board member, *or a family member* of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;
- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) an employee;
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Ms. Oakes's conflict of interest arises because she has two sisters who are employed with SDRC vendors.<sup>4</sup> To address the conflict, Ms. Oakes submitted the following Conflict of Interest Resolution Plan (Plan):

- Shall not promote the services of Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home;
- Shall not contact any employee of Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home as a representative of SDRC.
- 3. Shall not discuss the official business of the SDRC with her sisters, Rosario Oakes or Deborah Worthen.

<sup>&</sup>lt;sup>3</sup> DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seq.

<sup>&</sup>lt;sup>4</sup> Cal. Code Regs., title 17, § 54520(a)(10).

Conflict of Interest Laura Oakes Page 3

- Shall not have access to the vendor files of Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home;
- 5. Shall not participate in the making of any contract for any service provider including any preliminary discussions, development, negotiations, compromise, reasoning, planning, drawing of plans and specifications, solicitation for bids, approval and execution.
- Shall not participate in any discussion of the board of directors regarding Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home;
- 7. Shall not participate in the formulation of any policies that could affect service providers.
- 8. Shall not cast her vote, during board and committee meetings upon any matter or contract concerning the financial interest of any service provider.
- Shall abstain from all votes, during board and committee meetings, of the board of directors to approve contracts or recommend approval with service providers.
- 10. Shall not use her position to influence any SDRC decision Step Into Success Independent and Supported Living Services, YMCA Respite Services, St. Madeline Sophie's Center or Tarleton Street Home;
- 11. Shall discharge her responsibilities as a member of the board of directors with integrity and fidelity, and will not place herself in a position where her private, personal interests will conflict with her official SDRC duties.
- 12. In addition to Laura Oakes, SDRC Board of Directors and SDRC Executive Director Mark Klaus will be responsible for ensuring that the actions in this Plan are taken, applied, followed and monitored.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon the positions Ms. Oakes' sisters hold with SDRC vendors. The prior Plan submitted by Ms. Oakes that was approved

Conflict of Interest Laura Oakes Page 4

by the Council contained similar provisions to address the potential conflicts.

**STAFF RECOMMENDATION**: Approve Ms. Oakes's waiver request.

PREPARED BY: Legal Counsel Brian Weisel, February 6, 2023.

### COUNCIL AGENDA ITEM DETAIL SHEET RENEWAL

**ISSUE**: Regional Center Conflict of Interest (COI)

**BACKGROUND**: Codified in Welfare and Institutions (W&I) Code sections 4500 et seq., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.<sup>1</sup> The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.<sup>2</sup>

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

Ana Quiles, Treasurer, North Los Angeles County Regional Center: Ana Quiles serves on the North Los Angeles County Regional Center (NLACRC) Board of Directors as the Board's Treasurer. Ms. Quiles' mother and sister are employed with Caring Family Supports, which is a NLACRC vendor. Ms. Quiles' mother and sister provide respite, personal assistance and day care Ms. Quiles' daughters, who are consumers of NLACRC. Additionally, Ms. Quiles' father, sister, and brother are employed with Caring Family Supports to provide respite and personal assistance for Ms. Quiles' nephews, who are consumers of NLACRC.

The Council previously approved a waiver for Ana Quiles in June 2022.

#### **DISCUSSION:**

<u>Conflict of Interest</u>: Department of Developmental Services (DDS) Regulation<sup>3</sup> 54520 provides in part that a conflict of interest exists when the board member, or a family member of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;

<sup>&</sup>lt;sup>1</sup> Welf. & Inst. Code § 4626, subd. (/).

<sup>&</sup>lt;sup>2</sup> Welf. & Inst. Code § 4628.

<sup>&</sup>lt;sup>3</sup> DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seq.

Conflict of Interest Waiver Ana Quiles Page 2

- (3) a director;
- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;

### (10) an employee;

- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Ms. Quiles' conflict of interest arises because of multiple family members employed by a NLACRC vendor.<sup>4</sup> To address the conflict, Ms. Quiles resubmitted the following Conflict of Interest Resolution Plan (Plan):

- Ms. Quiles will have no interaction as a board member with any matter that might impact Caring Family Supports, and specifically she will recuse herself from any vote on any matter that could impact Caring Family Supports.
- 2. Ms. Quiles will, in every conceivable manner, not interact with the Board on any matter that could conceivably impact Caring Family Supports.
- 3. Ms. Quiles will not participate as a board member in the consideration, preparation, review, presentation, formulation or approval of any report, plan, opinion, recommendation or action regarding Caring Family Supports or any actions creating policy or approaches that would impact Caring Family Supports and other respite, personal assistance and day care vendors.
- 4. Ms. Quiles will not review or participate as a board member in any discussions, recommendations, or decisions about Purchase of Service (POS) authorizations for Caring Family Supports and other respite, personal assistance and day care vendors.

<sup>&</sup>lt;sup>4</sup> Cal. Code Regs., title 17, § 54520(a)(10).

- 5. Ms. Quiles will not review or in any way participate as a board member in the preparation, consideration, or any follow-up related to Special Incident Reports from or about Caring Family Supports and other respite and personal assistance and day care vendors.
- 6. Ms. Quiles will not create, review, or in any way participate as a board member in, any corrective action plans for Caring Family Supports and other respite, personal assistance and day care vendors.
- 7. Ms. Quiles will not participate as a board member in any discussions, recommendations, action, or resolution of any complaints pertaining to Caring Family Supports and other respite, personal assistance and day care vendors.
- 8. Ms. Quiles will take no part as a board member in decisions regarding vendor appeals, or fair hearings involving Caring Family Supports and other respite, personal assistance and day care vendors.
- 9. Ms. Quiles will not as a board member access vendor files or other information the region center maintains about Caring Family Supports and other respite, personal assistance and day care vendors, either in electronic or hard copy form.
- 10. Ms. Quiles shall not participate as a board member in developing, creating, or recommending any POS policies, or other policies, that might apply to Caring Family Supports and other respite, personal assistance and day care vendors. Instead, these tasks will become the responsibility of other board members.
- 11. Ms. Quiles will not be involved as a board member in the negotiation, discussion, obligation or commitment of NLACRC to a course of action involving Caring Family Supports and other respite, personal assistance and day care vendors.
- 12. The NLACRC Board will be informed about this plan.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon Ms. Quiles' family members employment by a NLACRC vendor.

Conflict of Interest Waiver Ana Quiles Page 4

Ms. Quiles has reported no other conflicts of interest. Accordingly, the staff recommendation is to approve Ms. Quiles' waiver request.

STAFF RECOMMENDATION: Approve Ms. Quiles' waiver request

PREPARED BY: Brian Weisel, Legal Counsel – February 6, 2023.

# COUNCIL AGENDA ITEM DETAIL SHEET - Renewal

**ISSUE**: Regional Center Conflict of Interest (COI)

**BACKGROUND**: Codified in Welfare and Institutions (W&I) Code sections 4500 et seq., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council. The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.<sup>2</sup>

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

# Rocio Sigala, Board Member, North Los Angeles County Regional Center:

Rocio Sigala (Sigala) is currently on the Board of the North Los Angeles County Regional Center (NLARC). Sigala's sister, Belen Sigala, provides respite and personal assistance and daycare for her nephew, a consumer of NLACRC. Belen is employed with Helpful Hands, a vendor of North Los Angeles County Regional Center.

The Council previously approved a conflict waiver request for Sigala at its June 2022 Meeting.

## **DISCUSSION:**

**Conflict of Interest**: Department of Developmental Services (DDS) Regulation<sup>3</sup> 54520 provides in part that a conflict of interest exists when the board member, or a family member of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member:
- (2) a board committee member;
- (3) a director;
- (4) an officer;

<sup>&</sup>lt;sup>1</sup> Welf. & Inst. Code § 4626, subd. (/).

<sup>&</sup>lt;sup>2</sup> Welf. & Inst. Code § 4628.

<sup>&</sup>lt;sup>3</sup> DDS' current regulations are published at California Code of Regulations, title 17, § 50201 et seq.

Conflict of Interest Rocio Sigala Page 2

- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) an employee;
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Sigala's conflict of interest arises because a Sigala's family member is a respite worker for a NLARC vendor.<sup>4</sup> To address the conflict, Sigala submitted a conflict resolution plan, attached. In summary:

- 1. Sigala will screen off of any discussion or vote involving Helpful Hands as a vendor of NLARC.
- Sigala will not review or in any way participate as a board member in the preparation, consideration, or any follow-up related to Special Incident Reports from or about Helpful Hands and other respite, personal assistance and daycare vendors.
- 3. Sigala will not create, review, or in any way participate as a board member in, any corrective action plans for Helpful Hands and other respite, personal assistance and daycare vendors.
- 4. Sigala will not participate as a board member in any discussions, recommendations, action, or resolution of any complaints pertaining to Helpful Hands and other respite, personal assistance and daycare vendors.
- Sigala will take no part as a board member in decisions regarding vendor appeals, or fair hearings involving Helpful Hands and other respite, personal assistance and daycare vendors.
- 6. The NLACRC Board of Trustees will be informed about this Plan of Action.

<sup>&</sup>lt;sup>4</sup> Cal. Code Regs., title 17, § 54520(a)(10).

Conflict of Interest Rocio Sigala Page 3

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon the respite services Sigala's sister provides to a NLARC vendor. Accordingly, the staff recommendation is to approve Rocio Sigala's waiver request.

**STAFF RECOMMENDATION**: Approve Rocio Sigala's waiver request.

PREPARED BY: Legal Counsel Brian Weisel – February 6, 2023.

# **COUNCIL AGENDA ITEM DETAIL SHEET**

**ISSUE**: Regional Center Conflict of Interest (COI) - **RENEWAL** 

**BACKGROUND**: Codified in Welfare and Institutions (W&I) Code sections 4500 et seq., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council.<sup>1</sup> The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.<sup>2</sup>

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

Susan Xiong, Board Member, Central Valley Regional Center: Susan Xiong was appointed to the Central Valley Regional Center (CVRC) Board of Directors on October 23, 2018. Ms. Xiong's husband is employed as a clinician with The Fresno Center (formerly known as "CNA"), a CVRC vendor. CVRC reports that Ms. Xiong's husband has no authority to make financial or managerial decisions for The Fresno Center, nor does he have a financial interest in The Fresno Center.

CVRC has a public member recruitment and appointment process which is subject to public review and engagement. Central Valley Regional Center recruits perspective board members by advertising their recruitment efforts within the agency, with their community partners, and using public forums, i.e. newspaper, and mass mailings. Final appointment decisions are made by the membership committee of the Board of Directors, which completes the appointment process.

The Council most recently approved a waiver request for Ms. Xiong in February 2022.

## **DISCUSSION:**

<u>Conflict of Interest</u>: Department of Developmental Services (DDS) Regulation<sup>3</sup> 54520 provides in part that a conflict of interest exists when the

<sup>&</sup>lt;sup>1</sup> Welf. & Inst. Code § 4626, subd. (/).

<sup>&</sup>lt;sup>2</sup> Welf. & Inst. Code § 4628.

Conflict of Interest Susan Xiong Page 2

board member, **or a family member** of a regional center board member, holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;
- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder;
- (8) a trustee;
- (9) an agent;
- (10) an employee;
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Ms. Xiong's conflict of interest arises because her husband is employed by a CVRC vendor.<sup>4</sup> To address the conflict, Ms. Xiong submitted the following Conflict of Interest Resolution Plan (Plan):

- 1. As a CVRC governing Board Member, Ms. Xiong will not participate in any discussion or vote on any matter involving The Fresno Center;
- 2. CVRC's Board and management staff will be informed of this Plan and will be informed of the need to ensure that Ms. Xiong does not participate in any discussion or vote on any issue relating to The Fresno Center.
- 3. CVRC's Board will be responsible for ensuring that this proposed Plan and its limitations are applied and monitored. The Board's Executive Committee approved this Plan.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon Ms. Xiong's husband's employment with a CVRC vendor. Accordingly, the staff recommendation is to approve Ms. Xiong's waiver request.

<sup>&</sup>lt;sup>4</sup> Cal. Code Regs., title 17, § 54520(a)(10).

Conflict of Interest Susan Xiong Page 3

**STAFF RECOMMENDATION**: Approve Ms. Xiong's waiver request.

PREPARED BY: Legal Counsel Brian Weisel – February 6, 2023.

# **COUNCIL AGENDA ITEM DETAIL SHEET**

**ISSUE**: Regional Center Conflict of Interest (COI)

**BACKGROUND**: Codified in Welfare and Institutions (W&I) Code sections 4500 et seq., the Lanterman Act requires regional centers to submit conflict of interest statements and proposed resolution plans to the Department of Developmental Services (DDS) and the Council. The Director of DDS may waive conflict of interest requirements of a contracting agency (i.e., a regional center) with approval of the State Council.

The Council is being presented with information reviewed under the existing SCDD criteria and process approved by the Council. This approach provides for staff analysis of regional center conflict of interest issues.

Valerie De La Rosa, Board Member, Central Valley Regional Center: Valerie De La Rosa was appointed to the Central Valley Regional Center (CVRC) Board of Directors in August of 2022. Ms. De La Rosa's is also employed as a service specialist with Vocation Plus Connections, Inc. (VPCI), a CVRC vendor. VPCI is an adult day program which serves individuals with special needs. VCPI teaches independent living skills, vocational skills, and provides community integration for its clients. De La Rosa provides tours to prospective clients and processes client grievances within the program.

CVRC has a public member recruitment and appointment process which is subject to public review and engagement. CVRC recruits perspective board members by advertising their recruitment efforts within the agency, with their community partners, and using public forums, i.e. newspaper, and mass mailings. Final appointment decisions are made by the membership committee of the Board of Directors, which completes the appointment process.

This is the first time the Council has considered a Conflict Waiver for Valerie De La Rosa, as she is a new board member.

# **DISCUSSION:**

<u>Conflict of Interest</u>: Department of Developmental Services (DDS) Regulation 54520 provides in part that a conflict exists when the board member holds any of the below positions for a provider:

- (1) a governing board member;
- (2) a board committee member;
- (3) a director;
- (4) an officer;
- (5) an owner;
- (6) a partner;
- (7) a shareholder:
- (8) a trustee;
- (9) an agent;
- (10) an employee;
- (11) a contractor;
- (12) a consultant;
- (13) a person who holds any position of management; or
- (14) a person who has decision or policy making authority.

Ms. De La Rosa's conflict of interest arises because she is employed by a CVRC vendor. To address the conflict, Ms. De La Rosa submitted the following Conflict of Interest Resolution Plan (Plan):

- As a CVRC governing Board Member, Ms. De La Rosa will not participate in any discussion or vote on any matter involving The VPCI;
- 2. CVRC's Board and management staff will be informed of this Plan and will be informed of the need to ensure that Ms. De La Rosa does not participate in any discussion or vote on any issue relating to VCPI.
- 3. CVRC's Board will be responsible for ensuring that this proposed Plan and its limitations are applied and monitored. The Board's Executive Committee approved this Plan.
- 4. Ms. De La Rosa has no authority to make financial or management decisions for VPCI.

The proposed Plan appears to mitigate concerns over a conflict of interest that could result based upon Ms. De La Rosa's employment with a CVRC vendor. Accordingly, the staff recommendation is to approve Ms. De La Rosa's waiver request.

**STAFF RECOMMENDATION**: Approve Ms. De La Rosa's waiver request.

PREPARED BY: Legal Counsel Brian Weisel – February 6, 2023.

# **FEBRUARY 21, 2023**

# **AGENDA ITEM 8.**

# **ACTION ITEM**

# EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

# SCDD Budget Update

Executive Director Aaron Carruthers and Chief Deputy Director Ken DaRosa will provide an update on current year (FY 2022-2023) budget expenditures and present the proposed SCDD 2023-2024 budget for consideration.

# Attachment(s)

Budget Cover Sheet
Budget Narrative with Line Item Definitions
2022-23 Approved Budget
2022-23 First and Second Quarter Report
Draft 2023-24 Proposed SCDD Budget

# Action Recommended

Approve the FY 2023-24 proposed SCDD budget to send to the full Council for consideration.



# SFY 2022-23 Budget Update

The package before the Committee includes the first and second quarter budget expenditure report and statement of activities for State Fiscal Year (SFY) 2022-23 expenditures through December 31, 2022, and a description of the budget line items. As a reminder, the Council approved the SFY 2022-23 BSG budget on May 24, 2022.

# <u>Methodology</u>

#### **Personal Services**

The Department of Finance requires all state departments to fully fund their authorized staff positions in the State Budget. Therefore, the Personal Services line items reflect all BSG authorized positions, but assumes modest salary savings resulting from vacancies in each year.

# **Operating Expense and Equipment (OE&E)**

The OE&E line items are based on the actual expenditures from prior SFYs, taking into considerations trends upward or downward.

#### **Calculation of Total BSG Award**

Because the Council approves the BSG budget on the SFY (July-June) and federal BSG funds are awarded on the Federal Fiscal Year (FFY) (October-September), the SFY 2022-23 budget reflects 3 months of FFY 2022 funding (July-September) and 9 months of FFY 2023 funding (October-June).

# Difference Between Council Budget & BSG Award

This represents the combined budgeted amounts for Personal Services, OE&E, and Community Grants subtracted by the Total BSG Award. The approved SFY 2022-23 budget is \$7,956,000 and the BSG Award is \$7,957,000 for a projected difference between award and expenditures of \$1,000.

#### **Prior Year Unexpended Funds**

Prior year unexpended funds primarily result from Personal Services savings resulting from vacant positions and OE&E, and Community Grantee expenditures that are not paid before June 30, as well as grant award timing and its "overlap" of the federal fiscal year and the state fiscal year. Staff identified, and presented to the Council on May 24, projected unexpended funds of approximately \$445,000 available for the current year.



# 2022-23 First and Second Quarter Expenditure Reports Statement of Activities and Projections

This is a narrative description of the year-to-date expenditure reports, which are attached. It is important to understand that these projections are based on an analysis of expenditure data at a specific point in time (i.e., December 31, 2022) and are subject to change.

# SFY 2022-23 BSG Expenditures

The budget assumes BSG expenditures of \$7,956,000. With six months remaining in the state fiscal year, total year-to-date expenditures of \$3,727,321 result in a projected remaining balance of \$4,228,679 (i.e., 53 percent).

- <u>Personal Services:</u> Total expenditures to date (\$2,993,400) result in a remaining balance of \$3,082,600 (51 percent). The current vacancy rate is 16 percent –a total of 8 vacancies.
- OE&E: Total expenditures to date (\$654,125) result in a remaining balance of \$965,875 (59 percent). Staff predict the In-State Travel and Communications line items will be underspent this year, and we project modest savings of approximately \$125,000 in the BSG OE&E budget at this point-in-time.
- <u>Printing</u>: The table includes a \$127,000 printing expenditure for December 2022. Staff are
  investigating this matter and it appears to be QA printing costs that were incorrectly billed
  to BSG. Once this is confirmed, we will correct the display accordingly.
- Program Development Grants: Year-to-date expenditures total nearly \$80,000, resulting
  in a remaining balance of \$180,204 (69 percent unspent). Staff anticipates expenditures
  will increase over the remaining four months.
- <u>Unexpended Funds Available for the Council to Spend</u>: After deducting the traditional \$1.75 million reserve, and projecting an anticipated amount of carryover, staff projects \$345,000 could be available for the Council to consider on additional one-time initiatives later in the fiscal year.

# SFY 2022-23 Quality Assurance (QA) Reimbursements from DDS

Total QA funding available is \$3,926,000. With six months remaining in the fiscal year, the program shows a remaining balance of approximately \$2,506,118 (nearly 64 percent).

- <u>Personal Services</u>: Year-to-date expenditures of \$909,920 give us a remaining balance of \$1,356,080 (approximately 60 percent). The vacancy rate is 11 percent (i.e., two vacancies).
- OE&E: Year-to-date expenditures (\$509, 961) reflect a remaining balance of \$1,150,039 (69 percent).

# SFY 2022-23 Client's Rights Advocates/Volunteer Advocacy Services (CRA/VAS) Reimbursements from DDS

Total CRA/VAS funding available is \$1,660,482. With six months remaining in the state fiscal year, reimbursements from DDS for the CRA/VAS Program reflect a remaining balance of \$976,715 (nearly 59 percent).

- <u>Personal Services</u>: Expenditures to-date total \$596,387 and reflect a remaining balance of \$654,095 (52 percent). The vacancy rate is 11 percent (i.e., one position).
- OE&E: Currently, program expenditures total \$87,380 with a remaining balance of \$322,620 (78 percent). Travel likely will remain modest, resulting in savings in OE&E expenditures. It's important to note this program is funded by reimbursement from DDS, and that SCDD is reimbursed for actual expenses. Any projected savings has no fiscal impact on other programs.

# Proposed Fiscal Year 2023-24 BSG Budget Description of Line-item Changes

The preliminary State Fiscal Year (SFY) overall 2023-24 BSG budget is not proposed to increase at this time. However, the proposed budget recommends adjusting various line items to support SCDD in 23023-24 based on spending patterns to date.

As a reminder, these are preliminary projections and subject to change as the fiscal year continues and federal funding information is received.

# **Net Salaries and Wages**

The baseline item is proposed to increase from \$4,183,060 to \$4,237,440. This change includes projected salary adjustments associated with merit salary increases.

#### **Temporary Help/Honorarium**

This line item, which includes the honorarium budget, remains unchanged.

#### General Expense and Operating Expenses and Equipment

Generally, we anticipate reduced spending (approximately \$80,000) from prior budgeted amounts to reflect the past two years' spending patterns as well as recognizing, for example, the expanded use of digital documents and forms, and remote meetings.

#### **Communications**

This line item is projected to decrease by \$30,000 based on spending during the current fiscal year.

#### **Postage**

This line item is reduced by \$6,000 from the current year and includes:

- Postage meter rental, repair, and supplies
- Postage permits, stamps, etc.

#### **Travel In-State**

This line item is budgeted at \$150,000, a reduction from current year to reflect travel practice and patterns over the last three years. While conditions are easing, and spending projections may change, some ongoing use of remote meetings and interaction will continue.

Travel includes:

- Commercial airfare
- Train fare
- Overnight lodging
- Meals
- Private car mileage and rental car charges
- Public transit, Lyft, shuttles, etc.

### **Travel Out-of-State**

This line item reflects a modest decrease of \$2,000 and includes approved out-of-state trips for required meetings with the Administration on Community Living, NACDD and other DD Act partners as required as part of our Basic Support Grant.

# **Training**

This line item is proposed to remain unchanged from the previous year and includes:

- Tuition and registration for all required and job-related skills development and leadership development training to rank and file and managerial staff
- Contract with CalHR and external trainers for staff training and development

# **Facilities Operations**

This line item is unchanged from the current year, and includes:

- Rents/leases for SCDD offices
- DGS planning and lease management services
- Janitorial services
- Security/alarm services

# **Utilities**

This line item is unchanged from the current year. It funds electricity, gas, water, sewer, and garbage disposal for SCDD offices where utilities are not included in the rent/lease.

#### **Interdepartmental Services**

This line item is unchanged from the current year and supports various interagency agreements with state partners for support and technical services:

- \$175,000 annual contract with the Department of Social Services for administrative support services
- Contracts with other state agencies for their services (State Treasurer, State Controller, Attorney General, CalHR, etc.)
- Audit charges for SCDD audits by control agencies (State Auditor, State Personnel Board, Department of General Services, Department of Finance, etc.)

#### **External Contract Services**

This line item, projected at \$100,000 supports interpreting, translation, and captioning services.

# **Information Technology**

This line item is budgeted for \$230,000 and supports:

- CDT website hosting and data line charges for all SCDD offices
- Software purchases and licenses

# **SWCAP**

This line item represents SCDD's share of state administrative overhead and is statutorily capped at \$25,000.

# Other Items of Expense

This line item is projected to remain unchanged from the previous year and represents expenses that do not fall under any of the above categories.

# **Community Program Development Grants**

This line item is projected at \$260,000 for statewide grants.



# **State Council on Developmental Disabilities**

# Fiscal Year 2022-23 Approved Budget

Categories		asic State rant (BSG)	As	Quality sessment	A \	ents' Rights dvocates/ /olunteer Advocacy	TOTAL
	Fe	ederal Grant	Sta	ate Contract	St	ate Contract	
1.5							
1. Personal Services:							
Net Salaries & Wages	\$	4,183,060	\$	1,532,000	\$	832,820	\$ 6,547,880
Temporary Help / Honorarium	\$	60,000	\$	-	\$	-	\$ 60,000
Worker's Compensation	\$	55,000	\$	3,000	\$	5,000	\$ 63,000
Staff Benefits	\$	1,986,954	\$	731,000	\$	412,662	\$ 3,130,616
Less 5% Salary Savings From Vacancies	\$	(209,153)	_	,			\$ (209,153)
Total Personal Services	\$	6,076,000	\$	2,266,000	\$	1,250,482	\$ 9,592,000
2. Operating Expense and Equipment:							
General Expense	\$	60,000	\$	21,000	\$	5,000	\$ 86,000
Printing	- <del>- φ</del>	40,000	\$	53,000	\$	9,000	\$ 102,000
Communications	\$	100,000	\$	40,000	\$	10,000	\$ 150,000
Postage	\$	18,000	\$	29.000	\$	1,000	\$ 48,000
Travel-in-State :	\$	175,000	\$	95,000	\$	32,000	\$ 302,000
Out-of-State Travel	\$	10,000	\$	-	\$	-	\$ 10,000
Training (Tuition and Registration)	\$	35,000	\$	3,000	\$	15,000	\$ 53,000
Facilities Operations (Rent)	\$	550,000	\$	269,000	\$	24,000	\$ 843,000
Utilities	\$	8,000	\$	2,000	\$	-	\$ 10,000
Interdepartmental Services	\$	250,000	\$	164,000	\$	134,000	\$ 548,000
External Contract Services	\$	100,000	\$	10,000	\$	3,000	\$ 113,000
Information Technology	\$	244,000	\$	50,000	\$	45,000	\$ 339,000
Statewide Cost Allocation Plan (SWCAP)	\$	25,000	\$	-	\$	-	\$ 25,000
Other Items of Expense	\$	5,000	\$	924,000	\$	132,000	\$ 1,061,000
Total Operating Expense and Equipment	\$	1,620,000	\$	1,660,000	\$	410,000	\$ 3,690,000
3. Community Grants / Other Projects	\$	260,000	\$	-	\$	-	\$ 260,000
4. Total Council Budget (1 + 2 + 3)	\$	7,956,000	\$	3,926,000	\$	1,660,000	\$ 13,542,000
5. Total Basic State Grant Award (Estimate)	\$	7,957,000					
6. Difference between Total Council Budget and Basic State Grant Award	\$	1,000					
7. Cash Reserve	\$	1,750,000					
8. Estimated Unexpended Funds Available for the Council to Spend	\$	445,000					

# State Council on Developmental Disabilities Council Report for FY 22-23 Expenditure through December-22



Basic State Grant (BSG)	Α	Annual Grant Monthly Award Expenditures		•		Year-To-Date Expenditure		Balance	Positions	#
Personal Services & Benefits	\$	6,076,000	\$	522,589	\$	2,993,400	\$	3,082,600	# Positions	50
Operating Expenses	\$	1,620,000	\$	228,024	\$	654,125	\$	965,875	# Vacancies	8
<b>Grants / Special Items</b>	\$	260,000	\$	24,426	\$	79,796	\$	180,204		
<b>Unallocated Funds</b>	\$	458,000	\$	13,769	\$	255,840	\$	202,160		·
Total	\$	7,956,000	\$	775,039	\$	3,727,321	\$	4,228,679	Vacancy %	16%

Quality Assurance (QA)	Annual Budget		Monthly Expenditures		Year-To-Date Expenditures		Balance		Positions	#
Personal Services & Benefits	\$	2,266,000	\$	152,551	\$	909,920	\$	1,356,080	# Positions	18
Operating Expenses	\$	1,660,000	\$	220,339	\$	509,961	\$	1,150,039	# Vacancies	2
Total	\$	3,926,000	\$	372,890	\$	1,419,882	\$	2,506,118	Vacancy %	11%

Clients Rights' Advocates/Volunteer Advocacy System	Aı	nnual Budget	Monthly Expenditure	Year-To-Date Expenditure	Balance	Positions	#
Personal Services & Benefits	\$	1,250,482	\$ 87,948	\$ 596,387	\$ 654,095	# Positions	9
Operating Expenses	\$	410,000	\$ 25,337	\$ 87,380	\$ 322,620	# Vacancies	1
Total	\$	1,660,482	\$ 113,285	\$ 683,767	\$ 976,715	Vacancy %	11%

Total	#
# Positions	77
# Vacancies	11
Vacancy %	14%



# State Council on Developmental Disabilities Council Report for FY 2022-23

#### December-22

FEDERAL GRANT (BSG)	Budgeted Base	Current Month Expenditure	YTD Expenditure	Remaining Balance	Remaining Percentage
PERSONAL SERVICES (PS & PB)	Duageted Base	Current Worth Expenditure	Experience	Remaining Balance	rereentage
Salaries & Wages w/ Benefits	6,076,000	522,589	2,993,400	3,082,600	50.7%
OPERATING EXPENSE (OE&E)					
General Expense (Meeting/Conf)	60,000	(108)	37,963	22,037	36.7%
Printing	40,000	127,530	149,591	(109,591)	-274.0%
Communications	100,000	2,366	14,039	85,961	86.0%
Postage	18,000	1,295	4,752	13,248	73.6%
Travel-in-State :	175,000	1,607	10,730	164,270	93.9%
Out-of-State Travel	10,000	-	2,951	7,049	70.5%
Training (Tuition and Registration)	35,000	-	1,185	33,815	96.6%
Facilities Operations (Rent)	550,000	47,597	277,052	272,948	49.6%
Facilities Plng/Maint. & Utilities	8,000	688	2,976	5,024	62.8%
Interdepartmental Services	250,000	5,000	10,855	239,145	95.7%
External Contract Services	100,000	6,257	77,489	22,511	22.5%
Information Technology (Computer, Software)	244,000	35,792	61,933	182,067	74.6%
SWCAP	25,000	-	-	25,000	100.0%
Other Items/ Client Services	5,000	-	2,609	2,391	47.8%
Subtotal OE&E	1,620,000	228,024	654,125	965,875	59.6%
SPECIAL ITEM (PROGRAM 20)	260,000	24,426	79,796	180,204	69.3%
TOTAL	7,956,000	775,039	3,727,321	4,228,679	53.2%

Constitute Assessment (CA)			YTD		Remaining
Quality Assessment (QA)	<b>Budgeted Base</b>	<b>Current Month Expenditure</b>	Expenditure	Remaining Balance	Percentage
PERSONAL SERVICES (PS & PB)					
Salaries & Wages w/ Benefits	2,266,000	152,551	909,920	1,356,080	59.8%
OPERATING EXPENSE (OE&E)					
General Expense (Meeting/Conf)	21,000	-	9,361	11,639	55.4%
Printing	53,000	149,974	179,511	(126,511)	-238.7%
Communications	40,000	999	7,923	32,077	80.2%
Postage	29,000	1,236	20,202	8,798	30.3%
Travel-in-State :	95,000	256	256	94,744	99.7%
Training (Tuition and Registration)	3,000	-	-	3,000	100.0%
Facilities Operations (Rent)	269,000	17,996	111,577	157,423	58.5%
Facilities Plng/Maint. & Utilities	2,000	-	-	2,000	100.0%
Interdepartmental Services	164,000	-	-	164,000	100.0%
External Contract Services	10,000	-	-	10,000	100.0%
Data Processing (Software, Supplies & Misc.)	50,000	15,608	139,954	(89,954)	-179.9%
Other Items/ Client Services	924,000	34,270	41,177	882,823	95.5%
Subtotal OE&E	1,660,000	220,339	509,961	1,150,039	69.3%
TOTAL	3,926,000	372,890	1,419,882	2,506,118	63.8%

Clients' Rights Advocates/Volunteer Advocacy Services			YTD		Remaining
(CRA/VAS) Advocacy Services (CRA/VAS)	<b>Budgeted Base</b>	<b>Current Month Expenditure</b>	Expenditure	Remaining Balance	Percentage
PERSONAL SERVICES (PS & PB)					
Salaries & Wages w/ Benefits	1,250,482	87,948	596,387	654,095	52.3%
OPERATING EXPENSE (OE&E)					
General Expense (Meeting/Conf)	5,000	108	6,877	(1,877)	-37.5%
Printing	9,000	525	1,312	7,688	85.4%
Communications	10,000	412	2,145	7,855	78.6%
Postage	1,000	-	194	806	80.6%
Travel-in-State :	32,000	913	2,938	29,062	90.8%
Training (Tuition and Registration)	15,000	-	-	15,000	100.0%
Facilities Operations (Rent)	24,000	3,691	21,213	2,787	11.6%
Interdepartmental Services	134,000	-	-	134,000	100.0%
External Contract Services	3,000	-	-	3,000	100.0%
Data Processing (Software, Supplies & Misc.)	45,000	11,388	11,391	33,609	74.7%
Other Items/ Client Services	132,000	8,300	41,310	90,690	68.7%
Subtotal OE&E	410,000	25,337	87,380	322,620	78.7%
TOTAL	1,660,482	113,285	683,767	976,715	58.8%



# **State Council on Developmental Disabilities**

# Fiscal Year 2023-24 Proposed Budget

Categories		Basic State Grant (BSG)		Quality ssessment	Clients' Rights Advocates/ Volunteer Advocacy			TOTAL
	Federal Grant		State Contract		State Contract			
4.5								
1. Personal Services:								
Net Salaries & Wages	\$	4,237,440	\$	1,532,000	\$	832,820	\$	6,602,260
Temporary Help / Honorarium	\$	60,000	\$	-	\$	-	\$	60,000
Worker's Compensation	\$	55,000	\$	3,000	\$	5,000	\$	63,000
Staff Benefits	\$	2,012,784	\$	731,000	\$	412,662	\$	3,156,446
Less 5% Salary Savings From Vacancies	\$	(211,872)				,	\$	(211,872)
Total Personal Services	\$	6,153,000	\$	2,266,000	\$	1,250,482	\$	9,670,000
2. Operating Expense and Equipment:								
General Expense	\$	60.000	\$	21,000	\$	5,000	\$	86,000
Printing	- <del>\$</del>	40,000	\$	53,000	\$	9,000	\$	102.000
Communications	\$	70,000	\$	40,000	\$	10,000	\$	120,000
Postage	\$	12,000	\$	29,000	\$	1,000	\$	42,000
Travel-in-State :	\$	150,000	\$	95,000	\$	32,000	\$	277,000
Out-of-State Travel	\$	8,000	\$	-	\$	-	\$	8,000
Training (Tuition and Registration)	\$	35,000	\$	3,000	\$	15,000	\$	53,000
Facilities Operations (Rent)	\$	550,000	\$	269,000	\$	24,000	\$	843,000
Utilities	\$	8,000	\$	2,000	\$	· -	\$	10,000
Interdepartmental Services	\$	250,000	\$	164,000	\$	134,000	\$	548,000
External Contract Services	\$	100,000	\$	10,000	\$	3,000	\$	113,000
Information Technology	\$	230,000	\$	50,000	\$	45,000	\$	325,000
Statewide Cost Allocation Plan (SWCAP)	\$	25,000	\$	-	\$	-	\$	25,000
Other Items of Expense	\$	5,000	\$	924,000	\$	132,000	\$	1,061,000
Total Operating Expense and Equipment	\$	1,543,000	\$	1,660,000	\$	410,000	\$	3,613,000
3. Community Grants / Other Projects	\$	260,000	\$	-	\$	-	\$	260,000
4. Total Council Budget (1 + 2 + 3)	\$	7,956,000	\$	3,926,000	\$	1,660,000	\$	13,543,000
5. Total Basic State Grant Award (Estimate)	\$	7,957,000						
6. Difference between Total Council Budget and Basic State Grant Award	\$	1,000						
7. Cash Reserve	\$	1,750,000						
8. Estimated Unexpended Funds Available for the Council to Spend	\$	345,000						

# **FEBRUARY 21, 2023**

# **AGENDA ITEM 9.**

# **ACTION ITEM**

# EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Council Bylaws: Proposed Amendments & Updates

Executive Director Carruthers and Legal Counsel Brian Weisel will present proposed updates and amendments to the Council's Bylaws, including a proposed new Plain Language Guide.

# Attachment(s)

Updated Bylaws with proposed amendments Bylaws in Plain Language

## Handout

Bylaws PPT

# Action Recommended

Approve the suggested amendments to the Council's Bylaws and Plain Language Guide to send to the full Council for their review and approval.

# State Council on Developmental Disabilities



# **BYLAWS**

Adopted by Council: May 31, 2018 [2023]

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## CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

# **BYLAWS**

## **ARTICLE I. NAME & DEFINITIONS**

The name of this organization shall be the State Council on Developmental Disabilities.

# **ARTICLE II. RESPONSIBILITIES**

The responsibilities of the State Council on Developmental Disabilities are set forth in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 ("DD Act"), Public Law 106-402, and the California Lanterman Act, Welfare and Institutions Code Section 4400 et seq.

# **ARTICLE III. PRINCIPAL OFFICE**

The principal office of the Council shall be located in the County of Sacramento, California. The Council may change the principal office from one location to another within the county.

# **ARTICLE IV. AREA OF SERVICE**

The area of service shall be the State of California.

# **ARTICLE V. MEMBERSHIP**

Appointment to the Council requires each member to fully discharge <a href="https://hertheir">his/hertheir</a> duties consistent with the responsibilities of representing persons with intellectual and/or developmental disabilities. The membership of the Council shall consist of the categories of people in accordance with state and federal law.

# **SECTION 1. Appointments:**

- (a) There shall be thirty-one (31) voting members on the Council appointed by the Governor as specified by Division 4.5, Chapter 2, Article 1, Sections 4521 (b) (1) and (2) of the Welfare and Institutions Code.
- (b) To assist the Governor in carrying out appointments under Welfare and Institutions Code Section 4521, the Council may coordinate Council and public input to the Governor, to the extent feasible, regarding recommendations for membership to help ensure that members of the Council reflect the socioeconomic, geographic, disability, racial, ethnic, and language diversity of the state.
- (c) In accordance with Section 125(b) of the DD Act, the Council will work through its Membership Committee and with the Governor and concerned organizations to ensure that:
  - (1) Recommendations for appointments to the Council are solicited from

organizations representing a broad range of individuals with intellectual and/or developmental disabilities and individuals interested in individuals with intellectual and/or developmental disabilities, including the non-State agency members of the Council;

- (2) Membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity;
- (3) Membership of the Council is rotated, except that members may serve until members' successors are appointed; and
- (4) The Council will notify the Governor regarding membership requirements of the Council, vacancies, recommendations for appointments, and when vacancies of the Council remain unfilled for a significant period of time.

# **SECTION 2. Term of Office:**

The term of office on the State Council shall be in accordance with state law. As specified in Section 4521(d) of the Welfare and Institutions Code, the term of each self or family advocate member and representative of a non-governmental organization shall be for three years, with the term beginning on the date of appointment to the first term. These members may serve no more than two terms. A member may continue to serve following the expiration of their his or her term until the Governor appoints that member's successor.

#### **SECTION 3. Conflict of Interest:**

Pursuant to California Welfare and Institutions Code Section 4525, the Council's approved Conflict of Interest Policy, is incorporated by reference into these bylaws. Each member must recuse <a href="https://example.com/himself-themselves">himself or herself</a>themselves from discussion and votes on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest and as required by Section 125(b)(4)(B)(ii) of the DD Act. In addition, each member is responsible for complying with all state conflict of interest rules, including rules of Government Code Sections 87100 et seq. and 1090 et seq.

# **SECTION 4. Vacancies:**

A Members vacancy of the Council shall be deemed to have resigned from their position on the Council exists if any of the following events occur before the expiration of the term:

- from Council meetings may be excused by the Council Chair; or absences from Committee meetings may be excused by the Committee Chair for good cause, such as illness or unforeseen circumstances that prevent a member from attending a meeting. Requests to be excused from attending shall be requested and approved in writing to the appropriate Chair, with a copy provided to the Executive Director.
- (b) The member's conviction of a felony or any offense involving a violation of the

- member's official duties. A member shall be deemed to have been convicted under this section when a trial court judgment is entered.
- (c) The member assumes a position or responsibility that violates the Council's conflict of interest policy.
- (a)(d) The death of the member.
- (be) An adjudication pursuant to a legal proceeding declaring that the member is physically or mentally incapacitated due to disease, illness, accident, or other condition <u>and</u> there is <u>reasonable cause reason</u> to believe that the member will not be able to perform the duties of office for the remainder of <u>his/hertheir</u> term.
- (fe) The member's resignation.
- (g) The member assumes a position or responsibility that violates the Council's conflict of interest policy.
- (d) The member's removal from office.
- (eh) The member's ceasing to be a legal resident of the state or the area the member was appointed to represent.
- (f) The member's absence from the state without the permission required by law beyond the period allowed by law.
- The member's unexcused absence from ceasing to discharge the duties of his/her office for the period off three consecutive meetings. Absences from meetings may be excused by the Council Chair or absences from tCommittee Chair for good cause, such as illness or unforeseen circumstances that prevent a member from attending a meeting. Requests to be excused from attending shall be requested and approved in writing, require, except when prevented by sickness, or when absent from the state with the permission required by law. After three (3) consecutive unexcused absences, a member shall be considered as having ceased to discharge the duties of Council membership. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Council Chair or Committee Chair and to the Executive Director by telephone, email, or mail.
- (h) The member's conviction of a felony or any offense involving a violation of the member'shis/her official duties. A member shall be deemed to have been convicted under this section when a trial court judgment is entered.
- (i) The member's refusal or neglect to file his/hertheir required oath, statement of economic interests, or other required filings within the time prescribed after being provided notice of non-compliance and a reasonable time to comply.
- (j) The decision of a competent tribunal declaring void the member's election or appointment.

- (ki) The making of a vacating order or declaration of vacancy.
- (I) The member assumes a position or responsibility that violates the Council's conflict of interest policy.
- (ml) A majority of the full The Council votes to remove a member for specific, compelling reasons as described in Section 5, including, but not limited to, violating Council policies.

The Council shall notify the Governor regarding membership requirements of the Council and shall notify the Governor in writing immediately when a vacancy occurs prior to the expiration of a member's term, at least six months before a member's term expires, and when a vacancy on the Council remains unfilled for more than 60 days.

# **SECTION 5. Removal**

- (a) A member of the Council shall not be removed, except for specific, compelling reasons.
- (b) The Executive Committee of the Council may recommend removal of a member of the Council during a regular or special meeting. The written charge shall be provided to the member in question no later than 10 days before any action is taken.
- (c) Action to remove a member of the Council shall be conducted in accordance with Government Code Section 11120, et- seq.
- (d) Should the Executive Committee find cause to remove the member, the recommendation shall be taken to the Council during a regular or special meeting for discussion and, if necessary, action by the full Council.
- (e) A majority vote, during a regular or special Council meeting, shall be required to remove a member.
- (f) Within 15 days of the Executive Committee's finding that a member should be removed, the Executive Director shall notify the Governor.

# **SECTION 65.** Resignations:

Members shall serve a designated term unless they resign, or resign or are otherwise disqualified to serve due to the events set forth in Section 4., or until successors have been appointed. Any member may resign at any time by giving written notice to the Chairperson and to the Executive Director. Such resignation shall take effect immediately on the date of receipt of such notice or any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

# **SECTION 76.** Compensation and Expenses:

Self-advocate and family advocate members of the State Council shall receive honoraria pursuant to Welfare and Institution Code Section 4550 not to exceed fifty (50) days in any fiscal year. All members shall be reimbursed for authorized actual and necessary expenses incurred in connection with the performance of their duties as Council members, in accordance with state regulations in the State Administrative Manual.

# **ARTICLE VI. MEETINGS**

# **SECTION 1. Parliamentary Authority:**

- (a) All meetings of the Council and its committees are public meetings governed by the Bagley-Keene Open Meeting Act (Government Code Section 11120, et- seq.).
- (b) Robert's Rules of Order shall be utilized as the rules for all Council and committee meetings except in instances of conflict with these bylaws, or provisions of State or federal law or regulations.
- (b)(c) The Vice-Chairperson, or their designee, shall serve as Parliamentarian. The Parliamentarian may advise the Chair or the Council on applying the Robert's Rules of Order when requested, or as necessary to aid the Council in orderly execution of its agenda.
- (c)(d) The Council may adopt, from time-to-time, such policies and rules for the conduct of its meetings and affairs as may be required.

# **SECTION 2.** Council Meetings:

- (a) There shall be no less than six (6) meetings of the Council per year and the Council shall meet as often as necessary to fulfill its duties pursuant to Welfare and Institutions Code Section 4535(a).
- (b) Special meetings of the Council may be called by the Chairperson or Executive Committee, in case of absence or inability to act by the Chairperson, by the Vice-Chairperson. In case of a refusal to act by the Chairperson, a special meeting may be called by written request of nine (9) members of the Council. Only matters specified in the written notice of the meeting shall be considered at such a

meeting.

- (c) Regular or special meetings of the Council shall be held at a place, date, and time designated by the Council or selected by the Chairperson.
- <del>(d)</del> (d)
- All Council meetings will provide an opportunity for members of the public to address the Council before the Council discusses or considers each item on the meeting agenda. Individuals who wish to provide public comments may do so in person or virtually, depending on how the meeting is held, or in writing. The Chair may limit comment to three minutes Up to three minutes will be allotted for each individual who wishes to engage in public comment, or for more or less time as determined and announced by the Chair prior to the beginning of public comment. The time allotted for public comment may be shortened by the Council due to time constraints. Public comment will not be made available if the agenda item is one that will be considered in closed session.
- (e) The Council recognizes the value of meetings held in person, and also recognizes that virtual meetings allow for greater engagement for members in some instances. The Council reaffirms that whether a meeting is held in person or virtually, the meeting should be held entirely in person, or virtually. Hybrid meetings with some members in person and others attending virtually diminish full engagement and therefore should be discouraged.

#### SECTION 3. Quorum:

- (a) A quorum for the Council shall be a simple majority of the statutory required membership which is <u>sixteen</u> (16) members per California Attorney General Opinion No. 10-901 (2011) (94 Ops. Cal. Atty. Gen. 100)
- (b) A quorum for each Council committee and sub-committee shall be a simple majority of the appointed members of that committee.

# **SECTION 4. Voting Rights of Members:**

(a) Each member shall be entitled to one vote, to be exercised in person. "In person" is defined as being physically present at a meeting location and includes being in attendance at a committee meeting by teleconference provided all applicable open meeting rules are followed is defined as physically present at a meeting conducted at one physical location. "In person" may include presence by teleconference or videoconference only if the meeting is a teleconference meeting within the meaning of Government Code section 11123.5. Proxy voting shall not be permitted. (68 Ops. Cal. Atty. Gen. 65 (1985).)

(b) Except as otherwise specifically provided in State law or these bylaws, all matters submitted for determination shall be decided by a majority vote.

# **SECTION 5. Chairperson Pro Tem:**

If neither the Chairperson nor Vice-Chairperson is present to preside at a Council meeting, the Executive Director as Clerk of the Council shall call the meeting to order and establish a quorum. Then once the meeting has been called to order and a quorum established, a chairperson pro tem shall be elected by the majority vote of the Council members present to preside over that meeting only.

# **ARTICLE VII. OFFICERS**

# **SECTION 1. Officers:**

The officers of the Council shall be a Chairperson and a Vice—Chairperson elected from among the self and family advocate members pursuant to Welfare and Institutions Code Section 4535(b). These officers shall perform the duties described in these bylaws.

#### **SECTION 2. Election of Member Officers:**

Election of officers shall occur once every two (2) years. The election shall be held during the last meeting of the appropriate calendar year. Only self and family advocate members shall be eligible to hold office pursuant to Welfare and Institutions Code Section 4521(b)(1). The roles of Chair and Vice Chair shall be held by onea self-advocates and/or a one family advocates, in either combination with each a family advocate and self advocate in either officer role, but not both, as as elected by the Council. At least one of Chair or Vice Chair must be held by a self-advocate. An Officer shall not be elected if there is less than one year remaining in their second term and/or they still sit on the Council pursuant to Welfare and Institutions Code Section 4521(e).

# **SECTION 3. Voting Procedure:**

Council officers shall be elected by a simple majority vote. At the second to last meeting of the second year of the two-year Chairperson cycle, the Council will take nominations from all members for Officers for the next chairperson cycle. Recommendations for officers shall be in the form of nominations from the Nominating Committee. Nominations may also be received from the floor prior to the election, but subsequent to the report of the Nominating Committee. If no nominee is elected by a majority vote,

At the last meeting of the two year-Chairperson cycle, the Council will vote for Council Officers from among the members nominated at the prior meeting. The Vote for Chairperson will be first, followed by the vote for Vice-chairperson. Tthe Council will hold a run-off election between the

nominees who received the two (2) highest number of votes. The Council may waive this runoff requirement with a majority vote to waive.

#### **SECTION 4. Term of Office:**

- (a) The Chairperson and Vice-Chairperson shall be elected for a term of two (2) years. Individuals may be elected to these positions for no more than two consecutive terms. Their term of office shall begin the first day of the new calendar year.
- (b) The term of office of each permanent Chairperson and permanent Vice-Chairperson who is elected under Article VII, Section 5, Subsection (b) due to vacancies shall run from the date the permanent Chairperson or permanent Vice-Chairperson is elected due to the vacancies until December 31, 2018. The next permanent Chairperson or Vice-Chairperson assumes office in January of the next calendar year under the voting procedure and timeline described in Article VII, Section 3 and Article IX, Section 3.

#### SECTION 5. Vacancies:

- (a) If the Chairperson resigns or is permanently unable to serve during the term of office pursuant to Article V. Section 4, the Vice-Chairperson shall become the Chairperson for the remainder of such term. Upon the vacancy of the Vice-Chairperson's term of office or if the Vice-Chairperson resigns or is permanently unable to serve during the term of office, the Chairperson shall appoint an interim Vice-Chairperson to serve until an election is conducted at the next available Council meeting. The Chairperson shall also appoint a nominating committee of at least three (3) but not more than five (5) Council members that will provide a slate of nominations for the election of Vice-Chairperson during the next appropriate Council meeting. In that meeting, the Chair shall also take nominations from the floor among all Councilmembers.
- (b) If both the Chairperson and the Vice-Chairperson at the same time resign or are otherwise permanently unable to serve in their respective offices:
  - (1) The Council shall take a vote to appoint by a simple majority vote an interim Chairperson and an interim Vice-Chairperson from among the remaining self and family advocate members pursuant to Welfare and Institutions Code Section 4535(b) at the next Council meeting.
    - [a] The interim Chairperson and interim Vice-Chairperson shall serve as the officers of the Council until the voting procedure established in Article VII, Section 3 can be carried out to elect a permanent Chairperson and permanent Vice-Chairperson.
  - (2) The Council shall direct that the voting procedure established in Article VII,

- Section 3 and Article IX, Section 3 be carried out immediately and according to an appropriate timeline, which may be different from what is specified in those sections.
- (3) The Council shall resume the voting procedure and timeline outlined in Article VII, Section 3 and Article IX, Section 3 after the permanent Chairperson and permanent Vice-Chairperson are elected under this Subsection (b).
- (c) The voting procedure established in Article VII, Section 3 shall be used for the election process of a permanent Chairperson and/or permanent Vice-Chairperson.

#### SECTION 6. Duties of the Officers:

- (a) Chairperson The responsibilities of the Chairperson are:- to preside at all meetings of the Council; set the agenda for Council meetings, to appoint chairpersons and members to all Council committees, as specified in these bylaws, except the Nominating Committee, to appoint Council representatives in relation to other agencies and consumer groups; and to represent the Council as needed. The Chairperson shall have full voting rights on all Council actions. The Chairperson-shall not serve as the chair of any of the Committees established by the Council as described in Article IX. Under extenuating circumstances, if in the opinion of the Chair it is in the best interest of the Council, the Chair may temporarily appoint either the Chair or Vice-Chair to chair no more than one committee as necessary until the conclusion of the extenuating circumstance.
- (b) Vice-Chairperson The responsibilities of the Vice-Chairperson are to perform all the duties of the Chairperson if the Chairperson is absent or if the upon request of the Chairperson-requests the Vice-Chairperson to do so. When acting in the capacity of the Chairperson, the Vice-Chairperson has the same authority as the Chairperson. The Vice-Chairperson also serves as Chair of the Executive Committee and as Parliamentarian. The Vice-Chairperson may serve as the Chair of the Executive Committee, but shall not serve as the chair of any of the other Committees established by the Council as described in Article IX, except for as described in section 6, subdivision (a), above.

# **SECTION 7.** Removal <u>offrom</u> Office<u>rs</u>:

Action to remove an officer shall be in accordance with the following procedure:

- (a) A Councilmember or group of Councilmembers must submit written

  notification Written notification must be submitted in person or by registered mail to
  the Executive Director from Council member(s) describing the -specific reasons
  why they seek removal of the officer in question.
- (b) The Executive Director shall notify the officer charged by registered mail within two

- (2) working days of receiving the charges. Any officer member so notified shall have ten (10) calendar days following notification of the charges to respond to the group or individual seeking removal responsible for notification. The officer shall provide a copy of the response to the Executive Director. Following this ten (10) day period, Within ten (10) calendar days of receiving the response from the officer, the responsible party or partiesies shall notify the Executive Director within ten (10) days as to whether or not they still wish to request removal of the officer. If the responsible parties are satisfied by the officer's response that no sufficient cause exists, the matter will be closed with written notice to the Executive Director and to the officer.
- If the group or individual requesting removal notifies the Executive Director in writing that they still wish to seek removal of the officer is not satisfied by the response within ten (10) calendar days of receiving the response from the officer, or if the officer fails to respond in ten (10) calendar days of being notified of the charges, the Executive Director as Clerk of the Council shall put the issue on the agenda at the beginning of the next Council meeting and inform the Council members as to the purpose of the agenda item. If no written notice from the group or individual requesting removal is provided to the Executive Director within 10 calendar days after the officer provides their response to the charges, the matter will be deemed closed and no further action will be taken.
- (ce) Written charges shall be distributed and reviewed at the specified meeting of the Council.
- (de) A majority vote shall be required to remove a chairperson or vice-chairperson from office. If removal of the Chairperson is under consideration, the vice-chairperson shall preside.

# **ARTICLE VIII. EXECUTIVE DIRECTOR**

# **SECTION 1. Appointment:**

- (a) The Executive Director of the Council shall be appointed by and serve at the will of the Council in a position exempt from all civil service requirements pursuant to the California Constitution, Article 7, section 4(e) and Welfare and Institutions Code Section 4551. The appointment of the Executive Director shall occur during a regular or special meeting of the Council.
- (b) An performance annual evaluation review of the Council Executive Director shall be coordinated by the Executive Committee and conducted annually by the full Council.

# **SECTION 2.** Responsibilities and Duties:

- (a) The Executive Director shall be the chief administrative officer of the Council and shall have all the authority and responsibility assigned to the director of a state agency including budget, personnel, and contractual transactions. The Executive Director represents Council positions and interests to other agencies, stakeholders, and the public on all Council matters. These duties and responsibilities include authority for entering into and execution of agreements on behalf of the Council in order to implement the policies of the Council. The Executive Director shall hire, supervise, and annually evaluate the staff of the Council.
- (b) \_\_The Executive Director is responsible for ensuring that:
  - (1) For the purposes of administration, Council directives are carried out by Council staff through the proper assignment and conduct of Council work, including but not limited to State Plan, grant, and other contracted work.
  - (2) Council members and staff receive training on the federal mandate of the DD Act to conduct and support advocacy, capacity building and systemic change on a statewide level;
  - (3) There is adequate supervision over the development and implementation of standard orientation tools for staff, policy manuals, and trainings addressing program and administrative requirements; and
  - (4) Federal funds shall only be utilized for activities permissible under the DD Act.
- (c) The Executive Director shall be under the direction and control of the Council and shall do and perform such other duties as may be assigned by the Council.
- (d) The Executive Director shall serve as clerk to the Council. The clerk shall aid the Council in conducting orderly and productive Council meetings.

#### SECTION 3. Removal:

- (a) Action to remove the Executive Director of the Council shall be conducted in accordance with Government Code Section 11120, et. seq.
- (b) —The Executive Committee of the Council may recommend removal of the Executive Director during a regular or special meeting. This recommendation shall be taken to the Council during a regular or special meeting for discussion and action.
- (c) A majority vote, during a regular or special Council meeting, shall be required to remove the Executive Director from their his or her exempt appointment. The Executive Director shall not be removed except for good cause. The reasons for the removal shall be stated in writing and include the good cause basis for the removal.

## **ARTICLE IX. COMMITTEES**

## **SECTION 1. Authority:**

- (a) Subject to the provision of these bylaws, all committees, with the exception of the Executive Committee, shall be advisory and shall not have the power to bind the Council except when specifically authorized by the Council to do so. Recommendations made by advisory committees shall be presented to the Council for adoption in the form of a motion.
- (b) All Committee meetings will provide an opportunity for members of the public to address the Committee. before the Committee discusses or considers each item on the meeting agenda The Chair may limit comment to three minutes for each individual who wishes to engage in public comment, or for more or less time as determined and announced by the Chair prior to the beginning of public comment. Public comment will not be made available if the agenda item is one that will be considered in closed session. Individuals who wish to provide public comments will be allotted up to three minutes to address the Committee. Public comment will not be made available if the agenda item is one that will be considered in closed session.
- (c) Committee members who attend meetings by teleconference shall be subject to the provisions of Government Code section 11123.
- (db) Subject to provision of these bylaws, a vacancy in the membership of a committee, except the Nominating Committee, may be filled by the Council Chairperson at the next available meeting.
- (ee) A committee may meet upon call of the chairperson of the committee. In the absence of a committee chairperson, or the Council Chairperson may call upon a committee to meet.
- (fd) Unless otherwise specified in these bylaws, the Chairperson and the Executive Director of the Council shall serve ex officio, without vote, on all committees, except the Nominating Committee.
- (ge) A committee member may be removed from the committee by the Council Chair after three (3) consecutive unexcused absences. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Committee Chair or Executive Director or appropriate Deputy Director by telephone, e-mail or mail.

## **SECTION 2. Standing Committees:**

- (a) There shall be <u>eightseven</u> (8) standing committees of the State Council:
  - (1) Executive Committee
  - (2) Administrative Administrative Committee
  - (3) Legislative and Public Policy Committee
  - (4) Self-Advocates Advisory Committee
  - (5) Employment First Committee
  - (6) Membership Committee
  - (7) State Plan Committee
  - (8) Statewide Self-Determination Advisory Committee
- (b) The Chairperson, Vice-Chairperson, and members of each of the standing committees shall be appointed by the Council Chairperson and serve at the pleasure of the Chairperson in accordance with state law. In the event of a membership vacancy for any reason in membership or the Chairperson, a successor may be appointed by the Council Chairperson. The Committee Chairperson shall set the agenda of each committee meeting. The Chairpersons and Vice-Chairpersons of its standing committees shall be members of the Council who are individuals with intellectual and/or developmental disabilities, or the parent, sibling, guardian, or conservator of an individual with an intellectual and/or developmental disability. All committee chairperson appointments shall be announced to the Council at the next available Council meeting.
- (c) The membership of all standing committees, except the Executive Committee, the Employment First Committee, Legislative and Public Policy Committee and the Statewide Self-Determination Advisory Committee, shall be open to non-members of the Council. The expenses of non-Council members may be reimbursed in accordance with State of California reimbursement rules on the same basis as a Council member with the exception of the honorarium.
- (d) All members of the Council shall be expected to serve on at least one standing committee of the Council. However, the Chairperson may excuse a member from serving on a committee.
- (e) The charge of each of these committees shall be as follows:

## (1) Executive Committee

The Executive Committee shall serve as the coordinating body to the Council. The Committee shall:

[a] Consist of the Council Chairperson, Vice-Chairperson, the chair of each standing committee, and up to two (2) other Council members.

- [b] Be chaired by the Council Vice-Chairperson.
- [c] Have delegated authority to act on behalf of the Council between meetings, but shall not modify any action taken by the Council unless authorized by the Council to do so. The full Council at the next regular or special meeting shall receive a report of all Executive Committee actions taken between Council meetings.
- [d] Administrative matters shall be a standing agenda item at every meeting and shall include but not be limited to, budget reports, expenditure reports and other major administrative issues.
- [e] Make recommendations to the Council regarding approval of Community Program Development Grants (CPDG) projects to be funded, and allocations, if, in the committee's discretion, the committee chooses to make these recommendations.
- [ef] Provide direction to the Executive Director regarding all matters pertaining to Council responsibilities.
- [fg] Make recommendations to the Council regarding amendments to the bylaws, changes in committee structure or responsibilities.
- [gh] Make recommendations to the Council regarding Council member training.
- [i] Make recommendations to the Council regarding the presentation of awards on behalf of the Council.
- [hɨ] Make recommendations to the Council regarding matters assigned by the Council or the Council Chairperson.
- [ik] Make recommendations to the Council regarding the appointment, evaluation, or removal of the Executive Director.
- [I] Monitor and evaluate State Plan implementation and submit findings to the Council.
- [im] Coordinate the Council's litigation activities, as needed, and make recommendations to the full Council.
- [kn] Present a slate of nominees to be elected to the Nominating Committee. Election to the Nominating Committee shall occur at the

September Council meeting during election years. Consider the conduct of Council Members such that the conduct interferes with the Council's duties.

### (2) Administrative Committee

The Administrative Committee shall assist with monitoring the administrative and budgetary activities of the Council. The Committee shall:

- [a] Be composed of at least three (3) Council Members.
- [b] Make recommendations to the Council regarding allocation of discretionary fiscal resources and other budgetary issues.
- [c] Make recommendations to the Council regarding budgeting for anticipated fiscal resources among Council operations and specific service priorities for inclusion in the State Plan and the Governor's budget.
- [d] Make recommendations to the Council regarding monitoring and evaluating administrative contracts and agreements.
- [e] Make recommendations to Council regarding contracts and agreements in accordance with the Council's contracting rules.
- [f] Monitor and evaluate administrative contracts and agreements; and take actions authorized in all Council contracts and agreements.
- [g] Make recommendations to the Council regarding <u>Councilmember</u> administrative matters and policies, as needed.

#### (3) Legislative and Public Policy Committee

The Legislative and Public Policy Committee shall <u>be responsible for recommending and monitoring implement</u> the <u>public policy priorities of</u> the State Plan <del>objectives</del> as assigned by the Council. The Committee shall:

- [a] Be composed of at least seven (7) members.
- [b] Review, comment and recommend positions on significant proposed legislation and/or proposed regulations, policies, procedures and/or practices.
- [c] Recommend legislation, regulations, policies, procedures, and/or

- practices consistent with <u>the</u> Council's responsibilities and objectives.
- [d] Identify and recommend potential Council projects and/or coordinated action on issues consistent with Council responsibilities and objectives.
- [e] Provide testimony and recommendations to the Legislature with regard toon matters pertaining to people with intellectual and/or developmental disabilities on positions taken by the Council.
- [f] Respond to other responsibilities as assigned by the Council or Council Chairperson.
- [g] Comply with state and federal rules regarding allowable state agency and Council activities.

## (4) Self-Advocates Advisory Committee

The Self-Advocates Advisory Committee shall advise the Council as a voice for all Californians with intellectual and/or developmental disabilities, by promoting shall serve as a voice for people with intellectual and/or developmental disabilities by advising the Council on matters that affect all self-advocates in California. The Committee shall promote State Council participation and peer advocacy that advances to advance independence and inclusion inclusive practice. The Committee shall:

- [a] Be composed of -self-advocate members of the Council who wish to participate on the committee\_-
- [b] Advise the Council-regarding self-advocate needs related to serving the Council including manners in which to ensure participation and inclusion in all meetings about the needs of self-advocates who are serving on the Council, including best practices that ensure participation and inclusion in all meetings.
- [c] Advise the Council regarding policies, programs and any other area <u>issues</u> affecting self-advocates in California and engage in other activities approved by the Council.
- [d] Review <u>training</u> materials, <u>resources</u>, and <u>other Council produced</u> <u>information documents</u> to evaluate and make recommendations regarding plain language approaches.

- [e] NTo nominate a standing representative to the Statewide Self-Advocacy Network (SSAN).-
- [f] Engage in other activities as approved by the Council.
- [g]— Make recommendations to the Council regarding possible agenda items related to the above.

## (5) **Employment First Committee**

The Employment First Committee is responsible for identifying and promoting strategies that increase the number of individuals with intellectual and/or developmental disabilities who engage in integrated, competitive employment. The Committee shall:

- [a] Be composed of a representative from each of the following as well as up to five(5) additional subject matter experts to provide technical assistance towards accomplishing the Committee's goals:
  - (1) The Department of Developmental Services;
  - (2) The Department of Rehabilitation;
  - (3) The California Department of Education;
  - (4) Each one of the three University Centers of Excellence in California;
  - (5) Disability Rights California; and
  - (6) A member of the Council's Self-Advocates Advisory Committee.
  - (7) Such advisory members as deemed <u>needed necessary</u> to implement the priorities and responsibilities of the Council. These members are non-voting members.
- [b] Identify the respective roles and responsibilities of state and local agencies in enhancing integrated, competitive employment opportunities for people with intellectual and/or developmental disabilities.
- [c] Identify strategies, best practices, and incentives for increasing integrated, competitive employment opportunities for people with intellectual and/or developmental disabilities, including, but not limited to, ways to improve the transition planning process for students <a href="fourteen">fourteen</a> (14) years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.
- [d] Identify existing sources of employment data and recommend goals

for, and approaches to measuring progress in, increasing to increase integrated, competitive employment for persons with intellectual and/or developmental disabilities.

- [e] Identify existing sources of consumer data that can be used to provide demographic information for individuals, including, but not limited to, age, gender, ethnicity, types of disability, and geographic location of consumers, and that can be matched with employment data to identify outcomes and trends of the Employment First Policy.
- [f] Recommend goals for measuring employment participation and outcomes for various consumers within the developmental services system.
- [g] Recommend legislative, regulatory, and policy changes for increasing the number of individuals with intellectual and/or developmental disabilities in integrated employment, self-employment, and microenterprises and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with intellectual and/or developmental disabilities who are <a href="fourteen">fourteen</a> (14) years of age or older.
- [h] Provide an annual report to the Governor and Legislature each year that describes the work and recommendations of the Committee.
- [i] Meet and consult, as appropriate in carrying out the Committee's responsibilities, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.
- [j] Advise the Council on other issues related to integrated employment opportunities for persons with intellectual and/or developmental disabilities.

## (6) Membership Committee

The Membership Committee shall recruit and vet potential candidates for appointment to the Council and advise the Governor on Council appointments and vacancies. The Membership Committee is responsible for coordinating Council and public input to the Governor regarding all

recommendations on behalf of the Council. The Membership Committee is also responsible for the recruitment, vetting, and appointment of the Council's Regional Advisory Committees and one-half of the Regional Centers' local Self-Determination Committees. The Chairperson of the Committee is charged with submitting the Council's recommendations to the GovernorThe Executive Director, in consultation with the Committee Chairperson, is charged with submitting Councilmembermemer recommendations to the Governor. The Committee shall:

- [a] Be comprised of at least three (3) members, a majority of which whom shall be Council members.
- [b] Be comprised of self-advocates and family advocates within the meaning of Welfare and Institutions Code section 4520.
- [c] Coordinate Council and public input regarding appointments to the Governor.
- [d] Solicit recommendations for candidates via social media, email/web alerts, from among self-advocacy groups, family support groups, non-agency Councilmembers, Federal Partners and service providers for the purpose of identifying multiple candidates recommended for appointment and ensuring that membership composition requirements of Section 125(b) of the DD Act and Section 4521 of the Welfare and Institutions Code are met including those pertaining to socioeconomic, geographic, disability, racial, ethnic, and language diversity and in an effort to solicit recommendations from organizations representing a broad range of individuals with intellectual and/or developmental disabilities and individuals interested in individuals with intellectual and/or developmental disabilities.
- [e] While maintaining confidentiality of names, make a report of submissions to the Governor's Office to the Council during the next regular meeting following any submissions.
- [f] In the interest of interagency collaboration and coordination, at least every sixty (60) calendar days, provide written notification to the Council or its Executive Committee, the Designated State Agency, and the Governor's Office of 1) the expiration date of each member's term, and 2) any vacancy existing on the Council that remains unfilled for more than sixty (60) days. Such notification may be made by electronic mail or as part of a Council agenda item, as appropriate.

- [g] Notify the Governor's Office in writing immediately when a vacancy occurs prior to the expiration of a member's term.
- [h] Solicit support from the Designated State Agency for appointments when a vacancy occurs for more than four (4) months.
- [i] Make recommendations to the Council on membership of Regional Advisory Committees and local self-determination advisory committees as directed by the Council.
- [i] Recruit, vet, and appoint one-half to the Regional Centers' members to the local Self-Determination Advisory Committee, ensuring that each committee reflect the multicultural diversity and geographic profile of the catchment area, while considering Regional Manager recommendations during the appointment process.

### (7) State Plan Committee

The State Plan Committee shall be responsible for reviewing the current State Plan, monitoring its implementation and completion of goals and objectives, recommending areas of focus for grants and other activities for achieving its goals and objectives, and developing subsequent plans. developing the Council's strategic 5-year State Plan and monitoring its implementation and progress. The Committee shall:

- [a] Be comprised of at least three (3) members:
- [b] Advise the Council on the collection and reporting of information on needs, including unmet needs, priorities and emerging issues.
- [c] Make recommendations to the Council regarding policy priorities, goals, and objectives for the State Plan.
- [d] AdviseInform the Council in the planning of the implementation and reporting onof progress towardsin-meeting the goals and objectives of the Council's State Plan.
- [e] Make recommendations to the Council regarding the grant application on suggested priorities and criteria for grant cycles, proposals, and applications process\_and suggested priorities/criteria for proposals.
- [f] Develop methods to market and implement successful programs funded by these grants throughout the State. Review grant proposals

#### and make funding recommendations to the Council.

[g] Carry out other responsibilities as assigned by the Council or the Council Chairperson.

## (8) Statewide Self-Determination Advisory Committee

The Statewide Self-Determination Advisory Committee is a volunteer advisory committee that is set up to advise and make recommendations on ways to increase the effectiveness of the Self-Determination Program related to regional center consumers to the Council. The Committee shall:

- [a] Be comprised of the chairs one chair from each of the 21 local advisory committees or their designees and one Councilmember appointed by the Council Chair. The Councilmember will serve as Co-Chair along with another member elected by the committee.
- [b] Meet at least twice each year but can meet more frequently at the sole discretion of the Council not more than four times a year.
- [c] Advise on the identification of Identify self-determination best practices, effective consumer and family training materials, implementation concerns, systemic issues, ways to enhance the Self-Determination Program, and recommendations regarding the most effective method for Self-Determination Program participants to learn of individuals who are available to provide services and supports.

### **SECTION 3. Nominating Committee:**

The Nominating Committee shall provide advice to the Council relative to the bi-annual election of Council officers. The Committee shall:

- (a) Be composed of at least three (3) and not more than five (5) Council members.
- (b) Be elected by the Council at the September Council meeting from a slate of nominations presented by the Executive Committee.
- (c) Serve for one year. Be elected at least forty-five (45)thirty (30) days prior to the annual election.

#### SECTION 34. Committees, Sub-Committees and Ad-Hoc Committees and Task Forces:

(a) Committees, Sub-committees, Ad-Hoc committees and Task Forces may be established by the Council to carry out specified State Plan objectives and

- purposes of the Council.
- The term of office and, qualifications of these groups' chairpersons and members shall be established by the Council. The membership of Sub-Committees and Ad-Hoc committees shall be open to non-members of the Council and shall be appointed by the Chairperson of the Council. The expenses of non-Council members may be reimbursed in accordance with State of California reimbursement rules on the same basis as a Council member with the exception of the honorarium.
- (b)(c) Any body created under this section shall report back to Council periodically as required by the Council.

#### ARTICLE X. COUNCIL ORGANIZATION

## **SECTION 1. Regional Operations of the Council:**

- a) The Council is responsible for engaging in advocacy, capacity, and systemic change activities statewide that implement mandates of the DD Act so that individuals with intellectual and/or developmental disabilities have access to all available services and supports. In order to carry out its federal mandates in a manner consistent with the access, use, and community based principles of Section 101(c) of the DD Act, the Council exercises its authority to establish Regional Offices and Regional Advisory Committees to perform Council work. Pursuant to Welfare and Institutions Code Section 4544(d), such offices and committees shall be constituted and operated according to policies and procedures of the Council. (See Appendix 1, "Policy Questions About the Regional Advisory Committees (RAC).")
- b) Regional Offices and Regional Advisory Committees, being part of the Council, are subject to the Bagley-Keene Act, the Public Records Act, and any other laws applicable to a state governmental entity.
- c) Public notice shall be provided at least 120 days before any changes in the number or boundaries of Regional Offices.
- d) The bylaws, membership composition, terms of members, and membership eligibility in addition to other rules of the Regional Advisory Committees shall be determined by the Council except as provided by Welfare and Institutions Code Section 4546.
- e) At the request of the Council, and according to the policy and procedures of the Council, Regional Advisory Committees will advise, provide input, be a source of data, and perform other activities as described in Welfare and Institutions Code Section 4548.

### **ARTICLE XI. COUNCIL GENERAL PROVISIONS**

## **SECTION 1. Certification and Inspection:**

The original or a copy of the bylaws, as amended or otherwise altered to date, certified by the Council shall be recorded and kept in a book that shall be kept in a location in the principal office of the Council, and such book shall be shall be open to public inspection at all times during office hours. A copy of the current bylaws should also be posted on the Council's website.

## **SECTION 2.** Records, Reports and Inspection:

- (a) The Council shall maintain adequate and correct accounts, books and records of all its business and properties.
- (b) Such records shall be kept at its principal place of business. All books and records shall be open to inspection by the Council and the general public, except those records or data regarding an employee, if such disclosure would constitute an unwarranted invasion of personal privacy, or records of the Council relating to its participation in a judicial proceeding, pursuant to the provisions of the Public Records Act and the Information Act.
- (c) The Council shall prepare, approve, and implement a budget to fund programs, projects, activities, staff, and operations.
- (cd) An annual financial report and budgets shall be available for inspection at the Council's principal place of business.

### **ARTICLE XII. AMENDMENTS OF BY-LAWS**

Subject to the limitations of federal and state law, these bylaws shall be reviewed at least biannually every two years. The Executive Committee shall be responsible for the bieannual review of the bylaws, submitting recommendations for adoption of new bylaws and amendments or repeal of existing bylaws to the Council. These bylaws may be amended, repealed or adopted by a two thirds majority of the Council during any regular or special meeting of the Council so long as a draft of the proposed action was submitted in writing to the Council at least ten (10) days prior to the meeting.



## STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

## **Bylaws in Plain Language**

## What are Bylaws?



- Bylaws are the rules the Council follows.
- Our bylaws explain:
  - ✓ Who we are
  - ✓ What we do
  - ✓ How we do it
- Our bylaws help the Council run good meetings and make good decisions.

#### Information about the Council



- We are called "the State Council" or "the Council."
- A federal law called the Developmental Disabilities Act created us. Most people call it the "DD Act."
- We get our funding (money) from the federal government.
   We use our funding to run the Council and pay for grants and other activities.
- The DD Act lists some rules we have to follow. We have to follow those rules or we will not get our funding. If we do not get our funding, we cannot do our work.

## Independence



The Council is a part of state government, but no one in state government tells us what to do. We are independent. We must follow some state laws, but in the end make decisions for ourselves.

This includes decisions about:

- What we do
- How we spend our money
- Who we hire as our staff

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## What the Council Wants for People with Developmental Disabilities



The Council works to make life better for people with developmental disabilities and their families.

We want people with developmental disabilities to have good lives. This means they have more chances to:

- Live where they want
- Go to school with their friends and neighbors who do not have disabilities
- Get a job
- Have the support they need

## **What the Council Does**

#### This is how the Council decides what issues to work on:



- Every 5 years we must create a plan for the upcoming term. This is called our "State Plan." The State Plan lists the goals and activities we will work on over 5 years.
   Goals describe what the Council wants to see happen.
- Every year we develop a work plan. The work plans have more information than the state plan. They help us decide how to use our budget and staff time.
- We are always checking to see if we are making progress on our goals.
- We send a report about this to the federal government every year so they know what we are doing with the money they give us.

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## These are the kinds of things Council members and staff work on together:



We make sure laws and policies in California help people with developmental disabilities.

- Laws and policies are rules we have to follow.
- For example, they tell us what services people can get to help them at home, in school, and in the community.



#### We help make services better. When services are better:

- More families get good support for their children with developmental disabilities.
- More adults with developmental disabilities get to live where they want, get a job, and do what they want in their community.



# We train people with developmental disabilities and their families to be advocates.

 This means they speak up for what they want. They get people and organizations to do things that are good for people with disabilities.



# We give people with developmental disabilities and their families information. The information helps them:

• Advocate for themselves

- Find the services and supports they need
- Have a good life

## **Council Membership**

## The Council has the following kinds of members:



- 1) People with developmental disabilities.
- Family members of people with developmental disabilities.
   Family members are husbands, wives, parents,
   grandparents, aunts, uncles, brothers, and sisters.
  - Most Council members are people with developmental disabilities and family members.



- 3) At least one Council member must be:A person with a developmental disability or a familymember of a person with a developmental disability who:
  - Lives in an institution, or
  - Used to live in and institution.



- 4) The Council also has members from each of these agencies:
  - Department of Health and Human Services
  - Department of Developmental Services
  - Department of Rehabilitation
  - The Superintendent of Public Instruction
  - Disability Rights California
  - Three people from California university centers working on issues for people with disabilities
  - Department of Aging
  - Department of Health Care Services

#### **Council members:**

- Have different kinds of developmental disabilities
- Are men and women
- Are from different races and backgrounds
- Live in all different parts of California

## **How people become Council members:**



The Council looks for people that:

- Want to make life better for people with developmental disabilities and their families, and
- Can help us work on our goals.



People are "appointed" to the Council by the governor. This means they become a member.

Members stay on the Council for 3 years at first. After 3 years, members can stay another 3 years. This can happen if they are interested in staying and they have been good Council members – if so, the Governor appoints them again.

## **Rules about coming to Council meetings:**



- There are 6 Council meetings each year.
- Members must come to as many meetings as they can
- If they miss too many meetings, their Council membership will end. This means they will stop being a Council member.

## **Conflict of Interest**

#### **Council Members**



Sometimes a Council member or one of their family members has a connection to an organization that wants money from the Council. The organization wants money to support a project or activity. That means the Council member has a "conflict of interest."



When we say "family member" we mean:

- Husband or wife
- Girlfriend, boyfriend, or partner
- Parent
- Siblings
- Children



## **Very Important:**

Council members cannot:

- Be a part of any discussion about a request for money from an organization or group they are connected to.
- Be a part of any discussion about a request for money from an organization or group their family member is connected to.

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- Vote on a request for money from an organization or group they are connected to.
- Be a part of any other Council activity related to a request for money from an organization or group they are connected to.



Council members must tell the Council staff when they are connected to an organization that has asked for Council money.



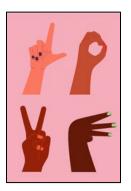
The Council puts information in meeting minutes when a member has a conflict of interest.

## **Council Meetings**

- The Council meets 6 times a year.
- The Council can have more meetings if the Council decides more are needed.



- People that are not Council members can also come to meetings.
- Only Council members can vote at meetings. People that are not members can still come to meetings and make comments to the Council. The comments may have time limits so that everyone has a chance to speak.



- All meetings are at places everyone can get to and get around in, or by video online.
- The Council has a sign language interpreter at meetings if a member or guest needs one.
- The Council can change meeting materials to help members and guests read them. Examples are braille or large print.

## **Voting**



The Council can only take votes at meetings when at least half of the members are there. This is called a "quorum."



Each Council member gets 1 vote.

## **Council Leaders**



- The Council has a chairperson and vice-chairperson. They are the leaders of the Council.
- Council members pick who will be the chairperson and vice-chairperson every two years. This is called their "term."



 The Council tries to pick people with developmental disabilities and family members to be the chairperson and vice-chairperson.







## The Chairperson:

- Attends Executive Committee meetings and Council meetings.
- Helps Council members participate in meetings and make good decisions.
- Picks Council members to be on the Executive Committee.
- Picks Council members to be on other committees.
- Helps the Executive Director and staff when they work with the governor, legislature, and other organizations.
- Supports the Executive Director.

## The Vice-Chairperson:

- Takes over the responsibilities listed above when the chairperson cannot do them.
- Makes sure that meetings follow rules like taking comments, acting on motions, and ending the meeting properly.
- Does other things for the Council when the chairperson or Executive Director asks them to do so.

## **Committees and Work Teams**



- Executive Committee, Administrative Committee,
  Membership Committee, Legislative and Public Policy
  Committee, Self-advocates Advisory Committee,
  Employment first Committee, State Plan Committee.
- Each Council member is on at least 1 committee or work team.
- The Council can create other committees if needed.
- Committees give reports at Council meetings about what they are working on.

## **Council Staff**



- The Council hires the Executive Director of the Council.
- The executive director hires and supervises the Council staff.

The executive director and staff only do what the Council wants. No one outside of the Council can tell them what to do.

## **Council Funding (Money)**

## **Council Budget**



The Council's budget is a list of everything the Council spends money on.

- The Council makes a new budget every year.
- The budget includes money to pay for:
  - Council staff
  - o Council member support
  - Projects and activities
  - Other things that help the Council do its work

## **Making Changes to these Bylaws**



No

The Council can make changes to the bylaws. Changes are called "amendments." Changes only happen if the Council agrees,

How changes are made:

- The Executive Committee decides what changes it wants.
- The recommended changes are sent to the Council.
- The Council talks about them at a meeting and asks members to vote "yes" or "no."

**FEBRUARY 21, 2023** 

**AGENDA ITEM 10.** 

**ACTION ITEM** 

## EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

SSAN Memorandum of Understanding (MOU)

The Memorandum of Understanding (MOU) between SCDD and SSAN was signed in 2017 and later updated in 2020 to define the relationship between the State Council on Developmental Disabilities and the Statewide Self-Advocacy Network. The MOU is reviewed every three years. Executive Director Carruthers will go over the revisions that were made to the MOU after the December 2022 SSAN meeting.

## Attachment(s)

2020 Signed Updated MOU between SSAN and SCDD MOU between SSAN and SCDD with 2022 Suggested Updates

### Action Recommended

Adopt the changes to the SSAN MOU.

#### Memorandum of Understanding

Between

#### The Statewide Self Advocacy Network (SSAN)

and

#### The State Council on Developmental Disabilities (SCDD).

This Memorandum of Understanding (MOU) <u>explains defines</u> the <u>working</u> relationship between the Statewide Self Advocacy Network (SSAN) and the State Council on Developmental Disabilities (SCDD). <u>The purpose of this This</u> MOU <u>is meantis</u> to clarify the roles, responsibilities and expectations of both groups in order to facilitate a working relationship which benefits both parties. <u>Both SCDD and SSAN have worked to develop the following document.</u>

#### 1. MOU Background

- 1.1. The following document is a reflection of efforts by both SSAN and SCDD to define their roles and responsibilities.
- 1.1. SSAN established an MOU workgroup at their March 2015 meeting to express their ideas during the MOU process.
- 1.2. Members of SSAN were identified to participated in the MOU drafting process in order to ensure that the voices of self-advocates were reflected in the MOU.
- 1.3. This resulted in a The SSAN DRAFT MOU was presented at the June 2016 SSAN meeting and was given to SCDD for consideration.
- **1.4.** The MOU between SSAN and SCDD was signed in January 2017 and a renewed MOU was signed in April 2020.

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#### 2. Mission of SCDD and SSAN

#### **SCDD Mission**

- 2.1. The mission of SCDD is to advocate, promote, and implement policies and practices that achieve self-determination, independence, productivity and inclusion in all aspects of community life for Californians with intellectual/developmental disabilities (I/DD) and their families.
  - 2.1.1. To carry out its mission regarding self-advocacy, SCDD has adopted Goal 1 of its State Plan, which states Californians with I/DD and their families reflecting the diversity of the state will have increased information and supports to advocate for civil and service rights to achieve self-determination, integration and inclusion in all areas of community life.

#### **SSAN Mission**

- **2.2.** The mission of SSAN, a project of SCDD, is to promote leadership and build bridges that strengthen advocacy among disability communities by focusing on policy change.
  - 2.2.1. SSAN exists to encourage people with disabilities to organize and create change for good. The goal is for SSAN members to further and strengthen their skills as advocates and to share their knowledge and skills with their communities and elected officials. As a cross-disability network, SSAN connects individual members with organizations and leaders across the state of California in order to advance the self-advocacy movement. It is the goal of SSAN to provide members with the resources, knowledge

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and tools that will empower them to become effective, informed leaders within their communities across the state, so that they may train others.

- 2.2.2. SSAN is dedicated to demonstrating that Californians with disabilities are strong, independent and make enhanced contributions to society. Through collaborating with other advocacy organizations and disability communities, SSAN wants to support, develop and strengthen self-advocacy throughout California and local regions.
- **2.2.3.** SSAN recognizes that in order to have the most impact in systems change advocacy, they will be a cross disability training network.

### 3. Guiding Principles

- 3.1. SCDD is committed to supporting policies and practices that achieve self-determination, independence, productivity and inclusion in all aspects of community life for Californians with I/DD, other disabilities, and their families. SCDD supports the effort of SSAN members, helping them to advocate, promote and implement SSAN's work, as it aligns with <a href="mailto:the-self-advocacy goal-Goal-1">the-self-advocacy goal-Goal-1</a> and Objective 2 of the SCDD State Plan and the mission of the State Council.
- 3.2. The SCDD supports the efforts of SSAN members and assists them in advocating, promoting and implementing their goals so long as they align with the SCDD State Plan (especially the self-advocacy goalGoal I) or the mission of the Council. SCDD and SSAN recognize the importance of the following principles:
- **3.3.** SCDD has open communication with SSAN and its members.

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- 3.4. SCDD respects all SSAN members as qualified individuals to consider all matters before the SSAN, including policy positions and discussions, decision making processes and SSAN actions.
- **3.5.** SSAN respects the SCDD Self-Advocacy Coordinator and in return, the Self-Advocacy Coordinator respects SSAN members.
- **3.6.** Goal 1 The Self-Advocacy Goal of the SCDD State Plan affirms SCDD's commitment to supporting self-advocacy.
- **3.7.** SCDD promotes self-advocates in leadership roles in SSAN by providing them with the knowledge, skills, and training necessary to train other self-advocates to become leaders in their communities and across the state.
- **3.8.** SSAN members will be leaders in their communities and advocate for people with disabilities.
- **3.9.** SSAN members will conduct themselves in a professional manner at all times, adhering to all laws and rules of the State of California.

#### 4. ROLES AND RESPONSIBILITIES OF SCDD AND SSAN

- 4.1. SCDD Responsibility Regarding SSAN Membership:
  - 4.1.1. SCDD will recognize that SSAN membership has been established by the SSAN Bylaws and consists of (1) SCDD Regional Representatives and (2) representatives from organizations that serve and advocate for those within the disability community.

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- **4.1.1.4.1.2.** SCDD will work with SSAN to ensure that as a cross-disability training network, supported by SCDD, SSAN leadership and no less than 50% of its members will be individuals with I/DD.
- 4.1.3. SCDD will assist SSAN in the recruitment process of the SSAN SCDD Regional Representative. An SCDD Regional Representative to SSAN is defined as a selfadvocate within one of the 12 SCDD regional offices' geographic areas chosen to represent the SCDD Regional office on SSAN. Each of the SCDD Regional Offices will facilitate assist in the selection process of one (1) Regional Representative from the Regional Office's their local I/DD community within the Regional Office's area. While each SCDD Regional Office will choose to recommend a candidate based on the needs in their region, all successful candidates will be seen as leaders ore emerging leaders and be actively involved in their communitytailors a set selection criterion to address the specific needs of their area., successful candidates for SSAN membership will possess leadership skills and be actively involved in their community.
- 4.1.4. SCDD Regional Offices will review their Regional Representative choice on a regular basis every four years and reserve the right to recommend to SSAN Leadership on if there is a need for a new SSAN representative for their regionmake a recommendation to SSAN leadership.

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#### 4.2. SCDD General Responsibilities:

- 4.2.1. SCDD will work with SSAN in the following areas, but not limited to: to develop and give training to self-advocates and those who want to become trainers and/or leaders about: self-advocacy, self-determination, person-centered planning, and/or leadership and related topics. SSAN members will train other self-advocates in California and report to SCDD on the number of trainings and presentations that were given in their role as a SSAN member and how many people attended. SCDD will work with SSAN on a pre/post-test and satisfaction survey for trainings.
- **4.2.2.** The SCDD Self-Advocacy Coordinator will act as the main contact person between SSAN and SCDD staff. The Self-Advocacy Coordinator will provide support and guidance in order to help SSAN achieve their goals.
- **4.2.3.** The SCDD Self Advocacy Coordinator will maintain communicateion with all SSAN members and work with SSAN leadership to review communication materials, including but not limited to: meeting agendas, meeting minutes, Chair updates, newsletter publications and quarterly meeting packets.
- **4.2.4.** The SCDD Executive Director Manager of State Plan and Self-Advocacy will give final approval prior to the distribution and online posting of quarterly

 $<sup>^{\</sup>rm l}$  Support refers to giving help or assistance to self-advocates of SSAN as they seek to become better advocates.

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meeting packets. The SCDD Manager of State Plan and Self-Advocacy The Executive Director\_will also review any other materials that may have potential impact on SCDD. The SCDD Manager of State Plan and Self-Advocacy Executive Director\_will provide feedback in a timely manner, allowing time for any changes to be made, if any.

- **4.2.5.** SCDD Regional Managers (or regional office CPSIIs) will provide support<sup>2</sup> to their Region's SSAN Representative upon request as long as the request is reasonable. There will be <u>at least</u> one (1) SCDD Staff who provides direct support<sup>3</sup> during SSAN quarterly meetings and assists in SSAN operations.
- 4.2.6. At the request of SSAN, SCDD can provide training and support<sup>4</sup> to the SSAN as a whole and its individual members on topics relevant to the independent living movement, self-advocacy, and leadership skills; so long as it reflects the mission, vision and purpose of SCDD and the SSAN vision statement and financial support is available.
- 4.2.7. SCDD will approve each SSAN quarterly meeting based on an agenda approved by the SSAN leadership. If the projected cost for an agenda item is beyond the SCDD budget limits, SCDD will inform SSAN leadership at least 14 days before the next SSAN meeting.

<sup>&</sup>lt;sup>2</sup> Support refers to providing SSAN members in their region with the tools and resources needed to be leaders in their community.

<sup>&</sup>lt;sup>3</sup> Refers to the <u>regional SCDD staff manager</u> who <u>areis</u> assigned to assist the Self-Advocacy Coordinator with overseeing SSAN. <u>Regional managersStaff</u> may provide logistical and technical support such as note taking and recording minutes during SSAN meetings.

<sup>&</sup>lt;sup>4</sup> Refers to resources and professional development.

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- **4.2.7.1.** The SSAN leadership and members must submit any requests or changes to the SSAN meeting that may require additional funding at least 30 days before the next SSAN meeting.
- **4.2.8.** SCDD will provide logistical support<sup>5</sup>, such as scheduling and <u>virtual (Zoom) and/or call-in number(s)</u>teleconference lines for SSAN work groups and leadership meetings between SSAN's quarterly in person meetings.
- **4.2.9.** SCDD reserves the right to set the budget for training and meeting expenses for SSAN.
  - **4.2.9.1.** SCDD will inform SSAN leadership of the SSAN budget.
  - **4.2.9.2.** SCDD staff will meet with SSAN leadership once a year to review the SSAN budget.
- 4.2.10. SCDD will provide logistical and technical assistance<sup>6</sup> at no more than four (4) in person and/or virtual, two (2) day meetings. SCDD will take responsibility for arranging and coordinating SSAN meetings. SCDD will undertake the responsibility of booking and funding hotel meeting rooms, lodging and transportation for meeting attendance. Facilitation and attendant services are available upon request.

<sup>&</sup>lt;sup>5</sup> Refers to scheduling meetings, creating a calendar of all SSAN quarterly and workgroup meetings. Logistical support also includes opening and operating the <u>virtual (Zoom) and/or callin conference</u> line(s) for workgroup meetings.

Refers to booking the hotel meeting rooms and working with hotel staff to set up the audio and visual aspects of the meeting (projector for the PowerPoint and captions).

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- 4.2.11. SCDD will provide regular in person and written and/or verbal policy briefings and updates a) at quarterly SSAN in person and/or virtual meetings and b) between these meetings on legislation or issue positions taken by the SCDD council members or legislation and issues as requested by the SSAN leadership or its members, regardless of SCDD's position, as long as staff is allowed to work on the issue(s) under the State of California rules, such as the rules that apply to staff work on candidate or ballot measure matters. SCDD will endeavor to provide these policy briefings or updates, either in person or written, in plain language as requested by the SSAN and SCDD.
- **4.2.12.** SCDD will provide SSAN with the resources on advocacy and the legislative process. SCDD cannot advise SSAN in a way that is partisan.
- **4.2.13.** SCDD will work with SSAN to update a yearly work plan for Goal 1, Objective 2 in the State Plan.

#### 4.3. SSAN Responsibilities

- **4.3.1.** SSAN will develop trainings which related to back self-advocacy and leadership development, along with other topics within to Goal 1 of the self-advocacy goal of the SCDD State Plan and report back on the number of trainings and presentations that were conducted in between SSAN meetings.
  - **4.3.1.1.** SCDD shall will approve any training materials SSAN develops prior to their use.

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- **4.3.2.** SSAN members will report their activities and progress in the form of Member Action Reports.
- 4.3.3. As a project of SCDD, SSAN may advocate legislative and policy positions taken by the Council. SSAN may provide input to SCDD on legislation that is of interest to SSAN. SSAN may provide input on legislation the Council is considering, including after the bill introduction deadline in February and before the Council meeting in March.
- 4.3.4. Members of SSAN may not use SCDD resources to organize around a legislative issue that is not included in the SCDD Legislative Agenda. SSAN members may not support or oppose any candidate for office, political party, or ballot measure on behalf of SSAN/in their role as a SSAN member.
- **4.3.5.** SSAN members will distribute SCDD materials to their communities and inform their cross-disability networks about SCDD publications and handouts related to, but not limited to, self-determination and person-centered planning.
- 4.3.6. SSAN will make sure that all member and community events associated with SSAN will relate to the missions of both SSAN and SCDD and be in accordance with Goal 1 of related to the SCDD State Plan and this Memorandum of Understanding.
- **4.3.7.** SSAN will collaborate with other organizations and train other members within their own communities and networks on how to advocate for the needs of people with disabilities.

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- 4.3.8. SSAN is responsible for sharing information with getting the word out regarding SSAN activities to the I/DD communities about SSAN activities, regarding upcoming self-advocacy trainings, resources information related to self-determination, person centered planning and changes updates that may affect the disability community in members' region(s) and across the state.
- 4.3.9. SSAN will request technical assistance and logistical help-from SCDD to plan the quarterly in person and/or virtual SSAN meetings in a timely manner within a reasonable amount of time, so that the to allow SCDD staff can to make arrangements in compliance with state regulations, policies and practices.
- **4.3.10.** SSAN Officers will develop a list of agenda goals or priorities at each quarterly in person SSAN meeting. SSAN leadership agrees to inform SCDD support staff<sup>7</sup> of these agenda goals and priorities immediately so that they may begin to plan to support the SSAN.
- **4.3.11.** The SSAN leadership will request that SCDD present any policy or issue briefing or updates either in writing or in person at least 30 days before any meeting. This will apply to either a quarterly in person meeting or workgroup meeting.
- **4.3.12.** SSAN will conduct all meetings according to California's open meeting laws, using Robert's Rules of Order.

<sup>&</sup>lt;sup>7</sup> Self-Advocacy Coordinator and Regional Managers.

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- **4.3.13.** SSAN will receive training on the Bagley-Keene Act every two (2) years and is expected to follow the Bagley-Keene Act.
- **4.3.14.** SSAN may create work groups to focus on issues of importance as they arise. SSAN work groups are expected to follow the rules set forth in this MOU and remain neutral and objective in their activities.

#### 5. Reporting

- 5.1. SSAN leadership agrees to report all of SSAN's activities and progress to the SCDD Self-Advocacy Coordinator and other concerned staff in a timely manner and respective of deadlines communicated by the SCDD staff. SCDD agrees to give SSAN three (3) months' notice of reports needed. SCDD will report on the SSAN's progress and activities to state and federal government agencies.
- **5.2.** SSAN is expected to produce a high quality, uniform quarterly newsletter, which highlights actions taken and issues of concern within the cross-disability community.
  - 5.2.1. SCDD will work with SSAN in developing a report to collect information about training. Each year, this information must be given to the Administration on Intellectual and Developmental Disabilities (AIDD), the federal agency that provides funding to SCDD for its work. AIDD needs to know how many people were trained, if they were satisfied with the activity, and how much they believe they learned from each presentation. AIDD also wants to know if the people who attended were self-advocates, family

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- advocates or others who may be professionals or community members.
- 5.2.2. Member action reports will be submitted at all SSAN meetings, in order to document the outcome of all SSAN related community-based activities between meetings.
- **5.3.** Workgroups will also report progress at SSAN meetings, in the form of 5-minute updates.
- 5.4. All of the above-mentioned items are to be included in the Annual Report, compiled by the Self-Advocacy Coordinator. The Self-Advocacy Coordinator will review the Annual Report with SSAN members at the end of each year.

#### 6. SCDD Support

6.1. SSAN is a project self-advocacy group organized by of SCDD, and SCDD recognizes the importance of supporting this projectself-advocacy group. However, this MOU does not guarantee that the SCDD will continue to fund SSAN. SSAN and its members should not expect funding from SCDD because of this document. The budget for SSAN is decided by SCDD. By agreeing to this MOU, SSAN and its members acknowledge this fact.

#### 7. Termination and Review

- **7.1.** This MOU can end when either SSAN or SCDD decides to end it by providing 30 days advance notice. SSAN must have a majority vote in order to terminate. Termination must also be approved by SCDD.
- **7.2.** If this MOU is not approved by both SSAN members and SCDD then this agreement will not become active.

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- 7.3. This agreement will be reviewed every three (3) years by both SSAN and SCDD. Every three years it must be approved by majority vote of SSAN members and SCDD Council or Executive Committee members in order to stay in effect.
- **7.4.** If SCDD Council members decide to offer a grant to a non-SCDD entity to carry out Goal 1 activities and a grant is awarded, this agreement will end. SSAN will receive at least a six month notice between SCDD's intention to award a grant and ending this agreement.
- 7.4. If SSAN decides by majority vote of its members to establish itself as an entity separate from the State of California, SSAN must find its own funding, and this MOU will no longer be effective. If SCDD decides not fund SSAN anymore, this agreement will end and SSAN members may decide to form a new group.

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#### 8. CHANGES TO THE MOU

**8.1.** Any proposed changes to the MOU must be submitted to both SCDD and SSAN for consideration. Any proposed changes must be approved by a majority of SSAN members and SCDD.

Date:
Aaron Carruthers Executive Director
CA State Council on Developmental Disabilities
Date:
Nicole Patterson Charles Nutt, Chairperson
Statewide Self-Advocacy Network

**FEBRUARY 21, 2023** 

AGENDA ITEM 11.
INFORMATION ITEM

## EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

## Out-of-State Travel (OST) Restriction Update

Members will be provided an update on the state's travel restrictions pertaining to California's Travel Prohibition list.

Pursuant to Gov. Code, § 11139.8, subd. (a)(5) and SCDD Policy #1-460, Arizona, Georgia, Indiana, Louisiana, and Utah have been added to the state's travel prohibition list. Therefore, SCDD Policy #1-460 has been updated to reflect this. A copy of the updated SCDD policy is being provided to members.

**Attachment** SCDD Policy 1-460

State Council on Developmental Disabilities

Adopted by Council: XXXXXXXX Federal Law: No State Law: Yes

#### TRAVEL OUT OF STATE

## Purpose:

To provide Councilmembers with the annual Out-of-State Travel policy and procedures.

## **Authority/Reference:**

Governor's Executive Order B-06-11 Government Code, § 11139.8 Travel and Expense Planning and Reimbursement Policy.

## **Applies To:**

Councilmembers

## **POLICY**

## **Policy Statement**

Governor's Executive Order B-06-11 states that no travel, either in-state or outof-state, is permitted unless it is mission critical or there is no cost to the state.

Mission critical means travel that is directly related to:

- Enforcement responsibilities
- Auditing.
- Revenue collection.
- A function required by statute, contract or executive directive.
- Job-required training necessary to maintain licensure or similar standards required for holding a position.

For the State Council on Developmental Disabilities (SCDD), this means that travel directly related to federal requirements such as the following items would be considered mission critical: meetings or training fulfilling a requirement of a federal grant or to maintain federal grant funding; requests by the federal government to appear before committees; required attendance at any litigation or compliance related events (e.g. interviews, depositions, or testimony) related to federal funding.

For example, to stay in good standing with SCDD's federal funding agency, the U.S. Administration on Intellectual and Developmental Disabilities (AIDD), the SCDD Chairperson (or designee) and the SCDD Executive Director (or designee) should attend the National Association of Councils on Developmental Disabilities (NACDD) annual in-person training. Generally, travel for this NACDD training is the only mission critical out-of-state travel required of any Councilmembers. However, there may be an exception if a particular trip's purpose is to maintain compliance with SCDD's AIDD basic state grant contract. The Executive Director in consultation with Legal Counsel will make this determination.

Additionally, the following states are currently subject to California's ban on state-funded and state-sponsored travel:

Alabama

Arizona

Arkansas

Florida

Georgia

Idaho

Indiana

Iowa

Kansas

Kentucky

Louisiana

Mississippi

Montana

North Carolina

North Dakota

Ohio

Oklahoma

South Carolina

South Dakota

Tennessee

**Texas** 

Utah

West Virginia

Please visit the Attorney General's prohibited state travel website at <a href="https://oag.ca.gov/ab1887">https://oag.ca.gov/ab1887</a> for the most current list of prohibited states.

Furthermore when traveling, the Chairperson (or designee) shall comply with the rules set forth in SCDD's Travel and Expense Planning and Reimbursement Policy.

**FEBRUARY 21, 2023** 

AGENDA ITEM 12. INFORMATION ITEM

# EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

**Executive Director Report** 

SCDD Executive Director Aaron Carruthers will provide Committee members with an update on recent Council activities and upcoming goals.

## Handout

**Executive Director Report** 

**FEBRUARY 21, 2023** 

AGENDA ITEM 13. INFORMATION ITEM

# EXECUTIVE COMMITTEE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

Adjournment and Next Meeting Date

The next meeting of the Executive Committee is scheduled for April 18, 2023.