

Bylaws for a Council on Developmental Disabilities

Information about bylaws,
common items to include in
bylaws, and ranking order of
governing documents



Purpose of this information

We created this resource for DD Councils interested in knowing more about the purpose and benefit of having bylaws.

We collected and reviewed bylaws from most of the DD Councils and found 10 common items that were included.

We are presenting some information on these 10 items for Councils to consider when they are reviewing or considering changes to their bylaws.

What are bylaws?

Bylaws are the rules that govern the Council's internal operations with Council members.

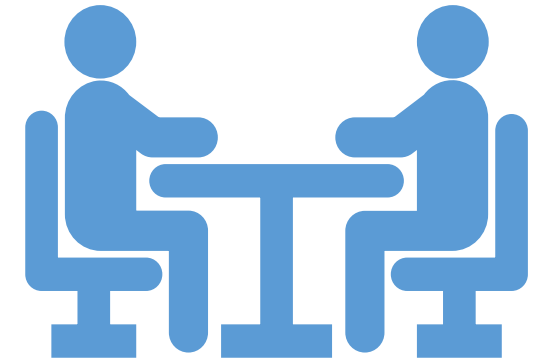
Bylaws define the Council's structure and guide Council members.

Bylaws are a contract between the Council and its members and must be formally adopted or amended.



Why are bylaws helpful to a Council?

- Bylaws help the Council maintain structure through consistent rules that are applied to Council operation. With membership rotation happening regularly, they provide a “roadmap” of how business is conducted.
- Members should have a copy of the bylaws and encouraged to read and follow them. This helps prevent problems. If members are opposed to something in the bylaws, they can be discussed, and proposed changes can be approved by the Council.



10 Common Parts of Council Bylaws

1. Name
2. Purpose
3. Members
4. Officers
5. Meetings
6. Conflict of Interest
7. Executive Committee
8. Committees
9. Rules of Order
10. Amendments

Why make changes to the bylaws?

- One of the most important reasons to change bylaws is that the Council members see a need for change.
 - Councils often change or add to the bylaws to reflect the actual practices of the Council.
- Frequent areas of change
 - Mission statement changes.
 - Council operations changes (governance and meetings, standing committees).
- Other reasons to change
 - Authorizing document changes (Executive Order or State statute).
 - Using plain language.

“Common parts” explained

Basic information about the common parts of Council bylaws are presented

Common element #1 Name

Provide the full name of the Council.

You can also state that moving forward, you will refer to the Council as the “Council” rather than using the full name throughout the document.

Common element #2

Purpose

- Provide the reason the Council exists.
- You can use information from The DD Act, Section 121 to help create a statement. Sometimes, Councils include their mission and vision statements in this section.

Common element #3

Membership

- Include the DD Act requirements or indicate membership will comply with the DD Act requirements for membership. Consider including the Types of members (public or citizen members, state agency representative members, other federally required members)
- Indicate the Governor appoints members and any other state or territory laws for appointments
- Include details about term limits for members (length, how many terms, partial terms)
- Provide details about what happens when a member's term expires (they can continue to serve until a replacement is named)
- Attendance (Council requirements, absences)
- Resignation before term ends (process)
- Unexpected vacancy (due to death, or disqualification)
- Stipends and reimbursement and under what conditions these are provided.

Common element #4

Officers

- Officer titles
- Terms of each office
- Required duties for each office
- Officer elections
- Officer qualifications
- How elections will occur (sometimes this is reflected in a different section)
- Removal of an officer
- How to fill a vacant office



Common element #5

Meetings

- General meetings
- Special Meetings
- Annual meetings (if this applies)
- Who has authority to call meetings
- Notice to members
- Quorum
- Voting (one vote per member)
- Statement about Open Meeting Laws requirements will be followed

Common element #6

Conflict of Interest

Describe conflict of interest and who it applies to (members, staff)

What members or staff must do if they have a real or perceived conflict of interest

Reference state or territory laws or ethics rules that apply

Indicate requirements of statements, forms or required training members must comply with



Common
element #7

Executive
Committee

- Role
- Responsibilities
- Authority
- Composition
- Quorum

Common element #8

Committees

Standing Committees – a committee with a continuing existence. Bylaws should define the standing committees and how officers are elected, or people are appointed.

Special Committees, also call Ad hoc Committees – a committee appointed for a specific task and is dissolved when the task is complete.

Committees – standing committees, special committees and how members are appointed to those committees.

Committee Structure

- Committees are assigned by the Board of Directors or Executive Committee to work on special issues facing a Council.
- Standing committees are those continue and are not designed to take up a specific issue. Examples are the Executive Committee, or a Finance Committee. Committee role, responsibilities, membership should be outlined in the bylaws.
- Ad Hoc committees would not be detailed in the by-laws as they can be created for a time period set by the Executive Committee

Common
element #9

Rules of
Order

- Name the Rules of Order (sometime called Parliamentary authority) the Council will follow.
- The most common rules of order used by DD Councils is Robert's Rules.

Common element #10

Amendments

It is necessary for bylaws to detail how they are to be amended.

Include information about:

- How much time members are given to review proposed amendments prior to a Council vote.
- The number of votes it takes to approve changes. Bylaw changes requires a 2/3 majority vote.

Common question: Amendment or Revision?

- A bylaw revision is a major overhaul of the bylaws. This is when you prepare a whole new document, and everything can be changed.
- A bylaw amendment is when you keep the bylaws as they are and change a small portion.
- Both require formal adoption by 2/3 vote of the Council members.

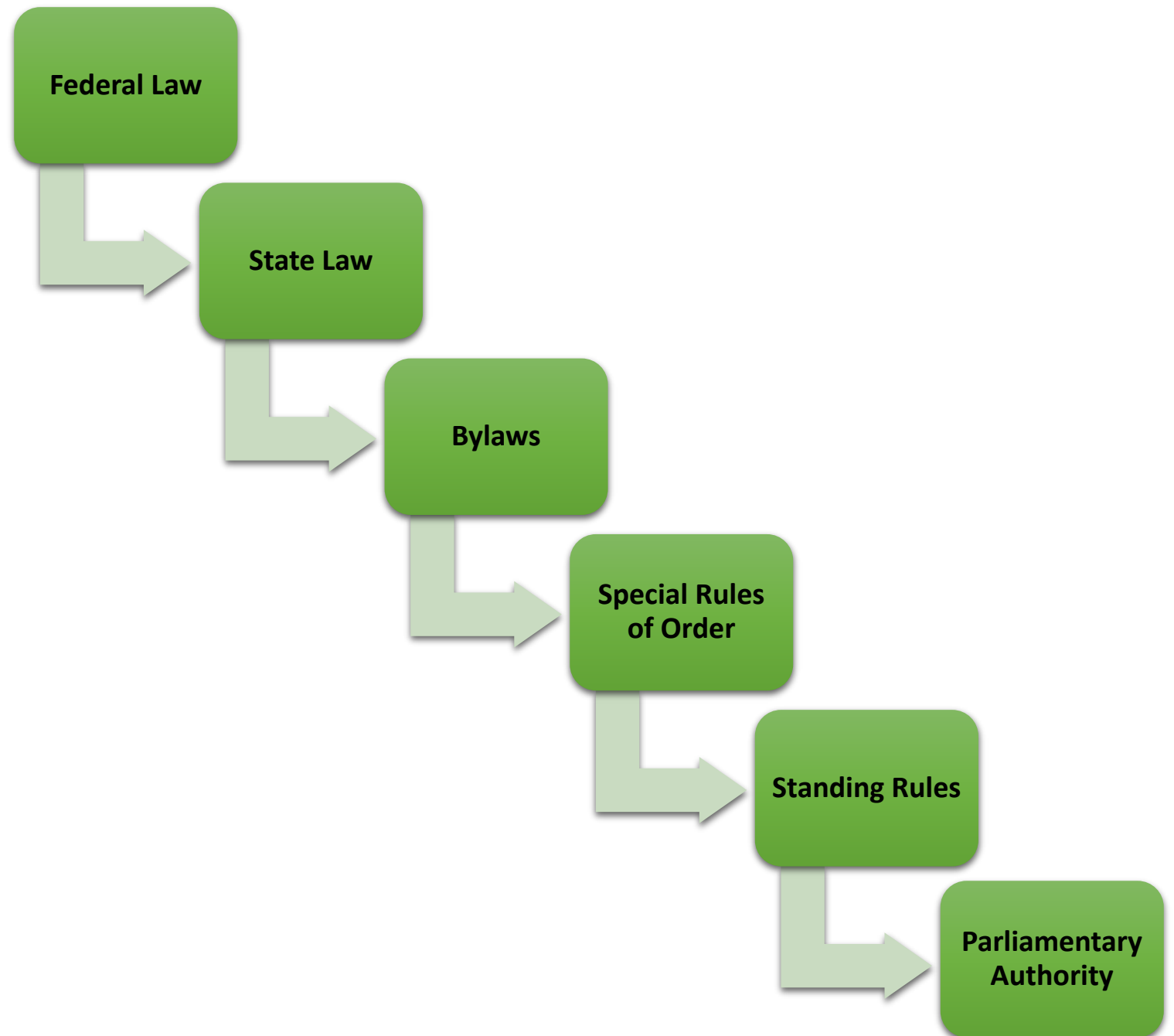


Other items



- Review the by-laws regularly: many Councils review annually to determine if changes need to be made.
- Provide a date of amendment on the document so that members can easily determine the last time revisions were made to the document.

Governing Documents in Rank Order



Information

The information in this power point was developed as part of a Training and Technical Assistance contract from the Administration on Intellectual and Developmental Disabilities, Contract

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