



Virginia Board for People with Disabilities

BY-LAWS

ARTICLE I

NAME

The name of this body is the Virginia Board for People with Disabilities, hereinafter to be referred to as “the Board”.

ARTICLE II

PURPOSE

The Board serves as the Commonwealth’s Developmental Disabilities Planning Council under Public Law 106-402, also known as the Developmental Disabilities Bill of Rights and Assistance Act of 2000, codified at 42 United States Code 15001 et seq. The Board shall undertake advocacy, capacity building, and systemic change activities that advance opportunities for independence, personal decision-making and full participation in community life for individuals with developmental and other disabilities, and shall be responsible for the statutory duties set forth in 42 USC § 15025 and Virginia Code § 51.5-33.

Among the Board’s responsibilities are to (1) collect and analyze information regarding the needs of people with disabilities and the effectiveness of service programs in meeting those needs, (2) solicit the opinions and participation of people with disabilities and their family members regarding disability issues, (3) develop and promote policies, positions, and initiatives intended to enhance the delivery of disability services, (4) initiate and oversee grants, contracts, training programs and self advocacy initiatives as approved by the Board, and (5) conduct activities to raise public awareness regarding the needs and issues of people with disabilities.

ARTICLE III

MEMBERSHIP

Section 1: Membership

The Board shall be composed of thirty-nine (39) members appointed by the Governor or serving ex-officio, and shall include persons with disabilities, family members, service providers, and representatives of the public and private sectors as enumerated in Virginia Code §51.5-31. The Board may, by majority vote, appoint honorary members to the board. Honorary members may attend and participate in Board meetings as the Board deems appropriate, but may not vote on Board matters.

Section 2: Term of Office

Members are appointed and terms are established consistent with federal and state statutory requirements. Each member appointed by the Governor shall be appointed for a four (4) year term and shall be subject to removal at the pleasure of the Governor. No person appointed by the Governor shall serve for more than two (2) successive terms.

Section 3: Attendance at Meetings

If a member or authorized designee fails to attend two (2) consecutive Board meetings, the matter shall be brought to the attention of the Executive Committee. If a member or authorized designee fails to attend three (3) consecutive meetings, the Executive Director, on behalf of the Chair, shall notify the Director of Appointments within the Governor's Office.

ARTICLE IV

ORGANIZATION

Section 1: Officers

The officers of the Board shall consist of a Chair, Vice-Chair, and Secretary who shall be elected by the Board.

Section 2: Terms of Office

The Board shall elect its officers each year with term of office beginning on July 1. Officers are eligible for re-nomination and re-election to successive terms. No member may be eligible for election to an office in the year in which his/her term as a Board member expires.

Section 3: Nominations

Nominations for the positions of Chair, Vice-Chair, Secretary and three (3) at large members to serve as members of the Executive Committee shall be presented to the Board by a Nominating Committee in writing at least ten (10) days prior to the meeting at which the vote will be taken. (See Article VII, Section 2 for rules governing the Nominating Committee).

Section 4: Vacancies

Should the office of Board Chair become open, the Vice-Chair shall assume the duties of the Chair until a new Chair is elected. In the event the office of Chair, Vice-Chair or Secretary become open, the Executive Committee shall convene a Nominating Committee to make nominations to the Board at its next regularly scheduled meeting.

Section 5: Duties of Officers

Chair: The Chair shall preside at all meetings of the Board and of the Executive Committee, and shall be an ex-officio member of all committees except the Nominating Committee. The Chair shall appoint standing committee chairs. The Chair shall be the official representative of the Board but may delegate this responsibility. The Chair shall provide general supervision of the Board's Executive Director and shall conduct the Executive Director's annual personnel evaluation in fulfilling these responsibilities, the Chair may consult with the Executive Committee as needed.

Vice-Chair: In the absence of the Chair and at the Chair's direction, the Vice-Chair shall preside at meetings and fulfill the duties of the Chair. The Vice-Chair shall routinely report to the Executive Committee the status of the Board's financial resources, obligations, and expenditures, but may delegate this responsibility to Board Staff or another Executive Committee member as appropriate. The Vice Chair shall perform other duties as assigned by the Chair.

Secretary: The Secretary shall be responsible for overseeing the taking of minutes at Board and Executive Committee meetings to assure a true and accurate record is presented to the Board for action. The Secretary shall present the Executive Committee report at Board meetings, and perform other duties as assigned by the Chair.

ARTICLE V

CONDUCT OF MEETINGS

Section 1: Meetings

The Board shall meet at least once per calendar quarter. Special meetings may be called

by the Chair in consultation with the Executive Committee.

Section 2: Voting and Quorum

Each Board member shall have one (1) vote, except honorary, non-voting members as described in Article III, Section I. Agency heads may assign their vote to a designee as provided for in §51.5-31 of the Code of Virginia. In order to establish a quorum and conduct Board business, a majority of the Board members must be present. If a quorum exists, an affirmative vote of a majority of the Board members present is required for the Board to act.

Section 3: Reimbursement of Expense

Necessary expenses incurred by Board members in performance of their Board duties shall be reimbursed in accordance with the requirements of Virginia State Travel Regulations. All such reimbursements shall be subject to the limitations of funds available to the Board.

ARTICLE VI

REPORTS

The Board, through the Executive Director and the Chair shall submit plans and reports as required by *Code of Virginia*, §51.5-33, and Public Law 106-402,

ARTICLE VII

COMMITTEES

Section 1: Executive Committee

The Executive Committee shall consist of the Chair, Vice-Chair, Secretary, the Standing Committee Chairs, and three (3) at large members of the Board.

In emergency situations, the Executive Committee shall conduct Board business and shall keep the Board fully informed of its actions.

The Executive Committee shall oversee the annual Board budget and assure performance of the Board's statutory duties. The Executive Committee through the Board Chair shall oversee the performance of the Executive Director.

The quorum required for an Executive Committee meeting shall be a majority of the members. Any two (2) members of the Executive Committee may petition for a meeting to the Chair. All meetings of the Executive Committee shall be announced consistent with *Code of*

Virginia § 2.2-3700 et seq., Freedom of Information Act requirements. Minutes of Executive Committee meetings shall be maintained consistent with state recordkeeping requirements distributed to the Board and made public consistent with *Code of Virginia § 2.2-3700 et seq.*

Section 2: Nominating Committee

The Nominating Committee shall be appointed by the Chair. The Nominating Committee shall consist of three (3) members. No member of the Executive Committee shall serve on the Nominating Committee. The Nominating Committee shall consider the requirements of the office to be filled and shall present in writing the name and qualifications of one (1) nominee for each open position to the Board at least ten (10) days prior to the meeting at which the election will take place.

Section 3: Standing Committees

The Chair shall make appointments to all Standing Committee positions in consultation with the Executive Committee. The Executive Committee shall recommend and the Board shall approve the establishment of standing committees by majority vote. The Chair of a Standing Committee may appoint a Vice-Chair to provide assistance in conducting meetings and reporting meeting results. The quorum for all Standing Committee meetings shall be a majority of the assigned membership.

The responsibilities of each Standing Committee shall be determined by a majority vote of the Board. The Board may alter the structure and responsibilities of standing committees by majority vote. Standing Committees shall report the results of their meetings to the full Board to keep the Board informed and to bring forward items requiring Board action.

Section 4: Subcommittees

The Chair of any committee described above may assign subcommittees to develop information for consideration by the committee. There is no quorum requirement for subcommittees.

Section 5: Ad hoc Committees

The Chair may appoint an ad hoc committee to address specific, time-limited issues of the Board. The ad hoc committee shall be dissolved when its purpose has been achieved or at the discretion of the Chair. There is no quorum requirement for ad hoc committees. Ad hoc committees shall elect their own Chair.

ARTICLE VIII

FINANCE

Consistent with its fiduciary responsibility under the Public Law 106-402 and as an executive branch agency of the Commonwealth of Virginia authorized under the *Code of Virginia* § 51.5-31 et seq., the Board shall prepare, approve and implement a budget to fund and implement programs, projects and activities funded under Public Law 106-402. The Board shall approve the budget at its June Board meeting. The Board may amend the budget at any meeting during the year. The Board shall receive quarterly budget reports on expenditures.

ARTICLE IX

POLICY

The Board shall develop and approve Operating Policies and Procedures consistent with the Board's mission and in compliance with state and federal laws and regulations. The Board shall review policies annually and revise as necessary.

ARTICLE X

RULES OF PROCEDURE

The rules of procedure for the Board and its committees shall be *The Standard Code of Parliamentary Procedure, Fourth Edition*.

ARTICLE XI

AMENDMENTS

These By-laws may be modified, amended, repealed, or adopted during any regular or special Board meeting provided that written notice of proposed amendments has been distributed to all Board members ten (10) days prior to the Board meeting.

ARTICLE XII

These By-laws shall become effective when approved by the Board.

Adopted: 7/15/92
Amended: 7/28/93
9/29/94
3/29/95
11/29/95
5/08/96
12/02/98
9/23/04
9/14/11
12/2/15