

**GUAM  
DEVELOPMENTAL  
DISABILITIES COUNCIL  
BY-LAWS**

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## **1.0 ARTICLE I – AUTHORITY**

### **1.1 Federal Statute**

The legal authority to establish a Council on Developmental Disabilities in the Territory of Guam is the Developmental Disabilities Assistance & Bill of Rights Act of 2000 (hereinafter referred to as the DD Act), Federal Public Law 106-402, as amended.

### **1.2 Guam Statute**

The Council is created as an executive agency of State government pursuant to the Territory of Guam Executive Order 94-09. The Guam Developmental Disabilities Council is established to serve as an advocate for individuals with developmental disabilities and their families in Guam. The Designated State Agency (DSA) for the Council is the Bureau of Statistics and Plans (BSP).

### **1.3 Name**

This organization shall be known as the Guam Developmental Disabilities Council (GDDC), hereinafter referred to as the Guam DD Council.

## **2.0 ARTICLE II – FINDINGS AND PURPOSE**

### **2.1 Findings**

A disability is a natural part of the human experience that does not diminish the rights of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society.

### **2.2 Purpose**

To assure that individuals with developmental disabilities and their families participate in the design of, and have access to, needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, integration and inclusion in all facets of community life, through culturally competent

programs authorized under the DD Act.

### **2.3 Subtitle B – Federal Assistance to State Councils on Developmental Disabilities**

The purpose of this subtitle is to provide the allotments to support State Councils on Developmental Disabilities (referred individually in this subtitle as a “Council” in each State) to:

- (1) Engage in advocacy, capacity building, systemic change activities that are consistent with the purpose described in section 101 (b) and the policy described in 101 (c) of the DD Act.
- (2) Contribute to a coordinated consumer and family centered & and consumer and family directed comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, integrated and included in all facets of community life.

## **3.0 ARTICLE III – MEMBERSHIP**

### **3.1 Council Composition**

The Council shall be composed of twenty-eight (28) voting members, who are residents of Guam and who are appointed by the Governor.

Newly appointed and re-appointed members shall be sworn in by the Governor.

The membership shall be in accordance with the DD Act, Section 125, to include at all times 40% or ten (10) representatives of the principal state agencies, centers in the state, the state protection and advocacy system, local agencies, and one (1) non-governmental or non-profit organization concerned with services for persons with developmental disabilities.

### **3.2 State Agency Representatives**

The director of each of the following organizations (or their designee) shall be a member of the Council:

- (1) Department of Integrated Services for Individuals with Disabilities (DISID), **Division of Vocational Rehabilitation (DVR)** pursuant to the Rehabilitation Act of 1973 29 U.S.C. 701 et seq.
- (2) Department of Education, **Division of Special Education** pursuant to the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. 3001 et seq.
- (3) Department of Public Health & Social Services, **Division of Senior Citizens** pursuant to the Older Americans Act of 1965 42 U.S.C. 3001 et seq.
- (4) Division of Public Health & Social Services, **Maternal Child Health Title V** pursuant to 42 U.S.C. 701 et seq.
- (5) Department of Public Health & Social Services, **Division of Public Welfare Title XIX, Bureau of Health Care & Financing**, pursuant to The Social Security Act 42 U.S.C. 701 et seq.
- (6) Centers in the State – **Center for Excellence in Developmental Disabilities Education, Research and Service (CEDDERS), University of Guam.**
- (7) State Protection and Advocacy System – **Guam Legal Service Corporation – Disability Law Center (GLSC-DLC).**
- (8) Transportation – **Guam Regional Transit Authority (GRTA)**
- (9) Housing – **Guam Housing Urban Renewal Authority (GHURA)**
- (10) Mental Health – **Guam Behavioral Health & Wellness Center (GBHWC)**
- (11) **Non-Governmental or Non-Profit Organization**

No less than 60% of the membership shall consist of persons who are:

- (a) individuals with developmental disabilities;
- (b) parents or guardians of children with developmental disabilities; and
- (c) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves, and,

who are not employees of a State agency that receives funds or provides services under this subtitle, and, who are not managing employees of the Social Security Act of any other entity that receives funds or provides services under this subtitle.

### **3.3 Term**

Members of the Council shall be appointed by the Governor for **Four-year terms** with membership initially expiring on a staggering basis each year. No more than one-third of the voting members shall be replaced yearly. The proposed new membership matrix was approved and effective on July 20, 2016.

New or re-appointed members of the Council shall provide a copy of his/her appointment letter to the GDDC Office.

### **3.4 Privileges of Membership**

All members shall be eligible to participate in the governance of the Council and shall have the right to vote, serve on committees, and participate in activities as established by the Council.

### **3.5 General Conditions of Membership**

- (1) All members shall agree to abide by these by-laws as adopted by the Council.
- (2) Appointed members of the Council shall agree to attend all scheduled meetings and any special meetings. Council members' Attendance Matrix Report will be submitted to the Executive Committee at least quarterly. If a Council member fails to attend these meetings, he/she shall be officially replaced after his/her third consecutive absence for gross neglect of duty.
- (3) Members who attend off-island meetings/conferences/training funded under the Developmental Disabilities Act Subtitle B Grant Program are required to submit to the Council a written report and provide a brief oral report during the next scheduled general membership meeting. Members must clear his/her travel with Department of Administration (DOA), Travel Section, within ten (10) days upon return and must provide original boarding passes, Travel Itinerary, and Travel Voucher.

### **3.6 Vacancies**

Members who resigned, terminated, deceased, or moved off-island shall take effect upon receipt of written notice, email, telephone, or other means by the Council. A letter of recommendation for replacement will then be sent to the Governor.

A member appointed to fill a vacancy shall hold office for the remainder of the unexpired term of his or her predecessor.

No member presently serving on another Council, Board, or Commission who went through legislative hearing for appointment shall be eligible to serve in the Council. (5 GCA Ch.43)

Member serving in another Council, Board, or Commission, appointed by the Governor, may serve in the Council.

The Council Staff shall provide a written notification of expiration of membership term in office.

### **3.7 Responsibilities**

The primary responsibilities of each Council member shall be:

- (1) approve and implement the state plan;
- (2) support the Council's purpose;
- (3) elect and remove Council officers;
- (4) prepare, approve and implement an annual budget;
- (5) recruit, hire, supervise, annually evaluate and may dismiss the Executive Director
- (6) approve Council annual report; and,
- (7) carry out all other duties in furtherance of the purpose of the Council.

### **3.8 Officers**

The officers of the Council shall be the Chairperson, the 1<sup>st</sup> Vice Chairperson, the 2<sup>nd</sup> Vice Chairperson and the Secretary. Other officers may be established at the discretion of the Chairperson. All officers shall be members of the Council.

#### **3.8.1 Election**

- (1) Election of officers shall be held every two years in September by written or voice ballot at a general or special membership meeting. Nominations shall be accepted from the floor, in addition to those submitted by the Nominating Committee.
- (2) Elected officers shall assume office effective at the beginning of the fiscal year, October 1<sup>st</sup>
- (3) Special elections may be called anytime by the Chairperson and shall be held at any regular or special membership meeting to fill vacancies, due to membership resignation or termination.
- (4) Term: The Chairperson, 1<sup>st</sup> and 2<sup>nd</sup> Vice-Chairpersons, and Secretary shall be elected for a two-year term and shall assume duties effective October 1<sup>st</sup>. Each officer may be re-elected for another term and not to exceed two term in office.
- (5) Qualification Requirements: Candidates should meet all the qualification requirements for members of the Council, and in addition:
  - (a) Chairperson:
    - Have been a member of the Council for at least one (1) year and have met the general conditions of membership, Section 3, Article III, 3.5;
    - Have a working knowledge of the Territory of Guam and Federal laws relevant to individuals with developmental disabilities;
    - Have a working knowledge of the Territory and Federal service delivery system for people with developmental disabilities;
  - (b) 1<sup>st</sup> and 2<sup>nd</sup> Vice Chairs: same qualifications as Chairperson
  - (c) Secretary: Have been a member of the Council for at least one (1) year.

### 3.8.2 Duties

(1) Chairperson: The Chairperson shall have the usual executive powers as may pertain to the office of the Chairperson including but not limited to:

- Presiding at all meetings of the Council.
- Preparation of the official agenda for all general membership and executive committee meetings of the Council for submission and approval by the Council and the Executive Committee respectively.
- Serving as Chairperson of the Executive Committee and as an ex-Officio member of all standing committees.
- Appointing the Chairperson and members of such standing and special committees.
- Calling all meetings of the Council and special meetings as deemed necessary.
- Supervise the Executive Director of the Council with final concurrence by the Governor.
- Pre-approve the Executive Director's sick, annual, or administrative leave for personal and or business reasons and submit forms to the DSA for final approval by the Governor.
- Acknowledge and review the Executive Director's payroll timesheet and forward to the DSA for Governor's approval.

(2) 1<sup>st</sup> and 2<sup>nd</sup> Vice Chairpersons:

- Perform the duties of the Chairperson in all cases in which the Chairperson is unable to serve.
- Serve as ex-Officio members of the Children and Family Issues Committee, Adult Issues Committee and Cross-Cutting Issues Committee.
- In the absence of the Chairperson, the 1<sup>st</sup> Vice-Chairperson shall become the Chairperson.
- In the absence of the Chairperson and 1<sup>st</sup> Vice-Chairperson,

the 2<sup>nd</sup> Vice-Chairperson shall become the Chairperson.

(3) Secretary:

- Responsible for the facilitation of the minutes of the Council and shall see that they are distributed as soon as possible.
- Ensure that quarterly stipends are processed in a timely manner.
- Perform the duties of the Chairperson and Vice Chairpersons in all cases in which they are unable to serve.

#### **4.0 ARTICLE – IV: RESPONSIBILITIES**

##### **4.1 General**

A Council through Council members, staff, consultants, contractors or sub-contractors shall have the responsibilities described in Section 3, Article III, 3.7.

##### **4.2 Advocacy, Capacity Building, and System Change Activities**

The Council shall serve as an advocate for individuals with developmental disabilities and conduct and support programs, projects, and activities that carry out the purpose of this subtitle.

##### **4.3 Examinations of Goals**

- (1) Determine the extent to which each goal of the Council was achieved for that year.
- (2) Determine to the extent that each goal was not achieved, the factors that impeded the achievements;
- (3) Determine needs that require amendment of the remaining strategic State Plan required under Section 124 of the DD Act.
- (4) Separately determine the information on the self- advocacy goal described in section 124 (c)(4)(A)(ii) of the DD Act.
- (5) Determine customer satisfaction with Council supported or conducted

activities.

#### **4.4 State Plan Development**

The Council shall develop the **STATE PLAN** and submit the state plan to the U.S. Department of Health and Human Services (DHHS), Administration on Community Living (ACL), Administration on Disabilities (AoD), Office on Intellectual and Developmental Disabilities (OIDD) after consultation with the designated State agency under the State Plan. Such consultation shall be solely for the purpose of obtaining State assurances and ensuring consistency of the plan with State law.

#### **4.5 State Plan Implementation**

The Council shall implement the State plan by conducting and supporting advocacy, capacity building, and systemic change activities such as those described in 125(c)(5)(B) through (L) of the DD Act.

#### **4.6 Review of Designated State Agency**

The Council shall periodically review the designated State agency and activities carried out by the designated State agency and make any recommendation for change to the Governor.

#### **4.7 Report**

Council shall annually prepare and transmit the developmental disabilities Council Program Performance Report (PPR) report requested via manually or electronically to the U.S. DHHS, ACL, AoD, AIDD a report consistent with the timelines in the DD Act. Each report shall be in a form prescribed by the DPHSS, ACL, and AIDD and shall contain information about the progress made by the Council in achieving the goals of the Council as specified in Section 124(c)(4) of the DD Act.

#### **4.8 Budget**

The Council shall prepare, approve, and implement a budget, using amount paid to the State under subtitle B of the DD Act and implement all programs, projects, and activities carried out under this subtitle, including –

(1) Conducting such hearings and forums as the Council may determine to

be necessary to carry out the duties of the Council; and as determined by the Council policy.

- (2) Reimbursement of members of the Council for reasonable and necessary expenses (including expenses for childcare and personal assistance services for attending Council meetings and performing Council duties – Sec. 125 (c)(8)(A)(ii)(I).
- (3) Pay a stipend to a member of the Council, if such member is not employed or must forfeit wages from other employment, to attend Council meetings and perform other Council duties – Sec. 125 (c)(8)(A)(ii)(II). Members shall be compensated in the amount of \$50.00 for attendance at a Council meeting; such compensation not to exceed \$100.00 per month – Guam 5 GCA § 43104.
- (4) Support Council member and staff travel to authorized training and technical assistance activities including in-service training and leadership development activities.
- (5) Carry out appropriate subcontracting activities required in the state plan.
- (6) Directing the expenditure and/or reprogram of funds for grants, contracts, interagency agreements that are binding contracts and other activities authorized by the State Plan approved under Section 124.
- (7) The Executive Committee shall present the recommended budget to the Council for approval. Budget revisions shall not be made without Executive Committee and/or Council approval.

#### **4.9 Staff**

- (1) Hiring and maintaining such numbers and types of staff and obtaining the services of such professional, consulting, technical, and clerical consistent with State law as the Council determines to be necessary to carry out the functions of the Council under Part B of the DD Act, except that the local government shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the Council, to the extent that such policies would impact the staff or functions funded with Federal funds, or would prevent the Council from carrying out the functions of the Council under Part B of the DD Act.

- Executive Director. The voting members of the Council shall, consistent with state law, recruit and hire an Executive Director of the Council. The Chairperson and Executive Committee will supervise and annually evaluate the performance of, promote, recommend salary increase, or may terminate for cause the Executive Director. The Executive Director is responsible for the day-to-day administration of the program activities of the Council and the administration of the Developmental Disabilities and Bill of Rights Act Grant funds and other Federal and Local funds received by the Council. The Executive Director receives directives from the Council and provides the overall supervision of the work performance of all the other Council staff. The Executive Director shall ensure that the Council complies with relevant local and Federal laws, rules and regulations. The Executive Director is the official spokesperson of the Council.
- Hiring and Supervision Program Staff. The Executive Director, consistent with Government of Guam Personnel Rules and Regulations and Council policies, shall recruit, hire, supervise, and annually evaluate the staff of the Council. Council recruitment, hiring, and dismissal of staff shall be conducted in a manner consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be conducted in a manner consistent with State law and personnel policies. Program staff receive direction solely from the Executive Director. Final personnel and decision over Council staff is vested with the Executive Director. Staff listed as classified on the personnel action will adhere to State laws of the 2014 Competitive Wage Act (CWA) as authorized. However, staff listed as unclassified and/or limited term on the personnel action will require salary approval from the Council General Membership Meeting every two-years using the CWA based on availability of funding.

(2) Staff Assignments. The staff of the Council, while working for the Council, shall be responsible solely for assisting the Council in carrying out the duties of the Council under Part B of the DD Act and shall not be assigned duties by the designated State agency or any other agency or entity of the Territory of Guam.

## **5.0 ARTICLE V: COMMITTEES**

### **5.1 Executive Committee**

This Committee shall consist of the elected officers of the Council, and the chairpersons of the Children and Family Issues, Adult Issues, and Cross-Cutting Issues Committees. The members of the Executive Committee shall include no fewer than two consumers.

No member with an expiring term will be eligible to run for the Executive Committee.

The Committee shall have the following powers and duties and others that might be delegated from time to time by the Council:

- (1) Act for the Council between regular general membership meetings of the Council. The Executive Committee shall have full power of the Council when the Council is not in session and when action is required that cannot wait for a regularly scheduled meeting.
- (2) Establish and revise policies covering the duties of the Council staff and the policies governing the operations of the Council.
- (3) Annually prepare and approve the operating budget and make any necessary changes.
- (4) Bi-annually review and revise the operating budget.
- (5) Review the organization and function of the Council.
- (6) Receive reports and recommendations from the other Committees which shall be forwarded to the general membership.
- (7) Provide recommendations and minutes of all executive committee meetings and working sessions to the Council.
- (8) Shall annually evaluate the performance of the Executive Director of the Council and make recommendation to the Governor for salary increase based on availability of funding. Salary increments will be considered every two years and approved during the General Membership Meeting only.

- (9) This Committee shall meet at least four (4) times each year and at such other times as may be directed by the Chairperson and/or on the request of any member of the Executive Committee.
- (10) Travel: The Chairperson may attend on and off-island meetings, conferences, trainings, or workshops. If, the Chairperson is not able to travel, the 1<sup>st</sup> Vice-Chairperson, 2<sup>nd</sup> Vice-Chairperson, then the secretary may travel in this order. If no member of the Executive Committee can attend, the Executive Committee may select and approve one of the Standing Committee Chairperson or Vice-Chairperson. If no member of the Standing Committees can attend, the Executive Committee may select and approve another Council member. In addition, the Executive Director and/or Program Coordinator must attend the AIDD Technical Assistance Institute, NACDD Conference, or others. Travel is based on availability of funding.

## **5.2 Children and Family Issues Committee**

There shall be a Children and Family Issues Committee composed of members chosen from among the general membership of the Council by the appointed Children and Family Issues Committee Chairperson. The size of the Children and Family Issues Committee shall be determined by the Executive Committee. The Committee Chairperson shall be selected by the Chairperson of the Council and approved by the Executive Committee. Members of this Committee shall serve for two (2) years. No member of this Committee shall vote on a proposal from an agency with which the member is affiliated.

Members of this Committee who are employed by an agency/program under review shall be excluded from all Children and Family Issues Committee activities relevant to the said agency.

The primary function of this Committee shall be to prepare, review, and update the State Plan areas of emphasis assigned to the Committee and to identify and recommend solutions and strategies that address the needs identified in the areas of emphasis that are assigned to the Committee.

All minutes of the Children and Family Issues Committee meetings and working sessions shall be written and provided to the Executive Committee

of the Council for review and consideration.

### **5.3 Adults Issues Committee**

There shall be an Adult Issues Committee composed of members chosen from among the general membership of the Council by the appointed Adult Issues Committee Chairperson. The size of the Adult Issues Committee shall be determined by the Executive Committee. The Committee Chairperson shall be selected by the Chairperson of the Council and approved by the Executive Committee. Members of this Committee shall serve for two (2) years. No member of this Committee shall vote on a proposal from an agency with which the member is affiliated. Member of this Committee who are employed by an agency/program under review shall be excluded from all Adult Issues Committee activities relevant to the said agency.

The primary function of this Committee shall be to review the areas of emphasis assigned to the Committee and to identify and recommend solutions and strategies that address the needs identified in the areas of emphasis that are assigned to the Committee.

All minutes of the Adult Issues Committee meetings and working sessions shall be written and provided to the Executive Committee of the Council for review and consideration.

### **5.4 Cross-Cutting Issues Committee**

There shall be a Cross-Cutting Issues Committee composed of members chosen from among the general membership of the Council by the appointed Cross-Cutting Issues Committee Chairperson. The size of the Cross-Cutting Issues Committee shall be determined by the Executive Committee. The Committee Chairperson shall be selected by the Chairperson of the Council and approved by the Executive Committee. Members of this Committee shall serve for two (2) years. No member of this Committee shall vote on a proposal from an agency with which the member is affiliated. Member of this Committee who are employed by an agency/program under review shall be excluded from all Cross-Cutting Issues Committee activities relevant to the said agency.

The primary function of the Cross-Cutting Committee shall be to review the

areas of emphasis assigned to the Committee and to identify and recommend solutions and strategies that address the needs identified in the areas of emphasis that are assigned to the Committee.

All minutes of the Cross-Cutting Issues Committee meetings and working sessions shall be written and provided to the Executive Committee of the Council for review and consideration.

## **5.5 Special Committees**

Special committees may be designated from time to time by the Council Chairperson to perform a particular task, secure additional information, or investigate an issue which does not fall under the responsibility of a standing committee. Special committees are temporary and cease to exist at the discretion of the Chairperson, when they have completed their objective(s). Special Committees include, but are not limited to:

- (1) Membership Review Committee
- (2) Nominating and Election Committee
- (3) By-Laws Committee
- (4) DD Awareness Committee
- (5) Self-Advocacy Committee

## **6.0 ARTICLE VI: MEETINGS**

### **6.1 General**

The Full Council shall meet at least four (4) times each fiscal year. For administrative purposes, the Council shall meet December, March, June, and September, as called by the Chairperson.

- (1) The Council staff shall provide, to the maximum extent feasible, using the telephone, email, or written notice stating the purpose of the meeting, the place, day, and hour shall be given to each member.
- (2) A **public notice** of the meeting shall include the place, day, and hour shall be given to each member and must be received at least five (5)

working days public notice, and a second public notice at least forty-eight (48) hours prior to the start of the meeting and comply with Title II of the Americans with Disabilities Act (ADA).

(3) The agenda, minutes and other related documents will be available before the start of meeting. Copies of the agenda and minutes will be sent electronically two (2) days before the meeting and may be hand delivered upon request before the meeting.

(4) Minutes of the previous meeting and other related materials shall be available to all members upon request and before the commencement of the next meeting.

## **6.2 Committee Meetings**

Each Committee has the option to call its own meetings as the need arises.

## **6.3 Special Meetings**

A special meeting shall be called at the direction of the Chairperson or upon written request to the Chairperson by a majority of the voting members of the Council with the approval of a quorum of the Council as stipulated in Section 4 of this Article. The purpose of the special meeting shall be stated and at least a five (5) day notice shall be given in advance of a special meeting.

## **6.4 Quorum**

A quorum for a Council Meeting, Standing Committee Meeting, and Ad-Hoc Committee Meeting shall be over forty percent (40%) applying only to members appointed and Oath of Office (swearing-in) administered by the Governor.

# **7.0 ARTICLE VII: GENERAL PROVISIONS**

## **7.1 General Decisions**

Decisions of the council must be approved by a quorum of the Council as defined in Article VI, Section 4.

## **7.2 Removal of an Officer, Committee Chairperson, or Member**

If an Officer, Committee Chairperson, or Member fails in his/her duties as stated in the by-laws, and/or through his/her actions compromises the integrity and credibility of the Council, the Executive Committee can request that the said individual be removed. Members with three (3) consecutive

absence without a legitimate excuse from a regular General Membership Meeting will be asked to resign. Such actions must have the approval of the Council. Recommendations shall then be submitted to the Governor for final approval.

### **7.3 Voting**

Each member shall have one vote. Votes by proxy shall not be permitted. However, agency representatives and non-profit organization who are off-island for official business or is on official leave for an extended period from work are eligible to vote. The agency must provide written or email authorization of the designee to the GDDC office and must be approved by the Chairperson.

Council members have a fiduciary responsibility to protect the public trust and agree to this responsibility by acceptance of Council Membership.

### **7.4 Conflicts of Interest**

Conflict of interest to be followed as adopted on 12/12/2018 and shall be updated annually.

### **7.5 Parliamentary Procedures**

All meetings shall be conducted in accordance with Roberts Rules of Order, Revised.

### **7.6 Minutes of Meetings**

Written minutes shall be prepared of all meetings and shall reflect the matters discussed, official actions taken and the major view of the participants. Minutes shall include, but not be limited to:

- (1) the date, time, and place of meeting;
- (2) the members of the Council recorded as either present or absent;
- (3) the substance of all matters proposed, discussed, or decided;
- (4) a record, by individual member, of the votes taken; and
- (5) any other information that any member of the Council requests be included

Minutes of meetings are public records and shall be made available upon request by any person during established office hours.

## **8.0 ARTICLE VIII: AMENDMENTS OF BY-LAWS**

These by-laws may be amended by a majority vote of the Council provided that notice of intent to amend be given to Council members at a preceding

Council meeting or by mail thirty (30) days before the meeting at which the amendment is to be considered. An amendment shall take effect immediately upon its adoption by the Council.

Amendments may be made by the Council as necessary.