



**Council on
Developmental
Disabilities**

Governor Kathy Hochul

Kristin M. Proud, Executive Director

NYS Council on Developmental Disabilities

By-Laws



**Helping Individuals with Developmental
Disabilities Live Independently and
Participate Fully in the Community**

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About the CDD By-Laws

These by-laws comprise the rules established by the New York State Council on Developmental Disabilities, which regulate the Council's structure and general rules of order. These by-laws conform to all New York State Codes, Rules, Regulations and Laws, as well as the Federal Developmental Disabilities Service and Bill of Rights Act.

If you have questions about these by-laws, please contact the NYS Council on Developmental Disabilities at:

Phone: (518) 486-7505

Email: information@cdd.ny.gov

You can find additional information about the Council and its activities by visiting our website at www.cdd.ny.gov.

CDD By-Laws

ARTICLE I: NAME/AUTHORITY/MISSION

- A.** The name of this body shall be the New York State Council on Developmental Disabilities (CDD or Council).

- B.** The CDD is established pursuant to Article 19-D, Section 450 of the New York State Executive Law to execute those duties and functions required by the Federal Developmental Disabilities Service and Construction Act of 1970 and the Federal Developmental Disabilities Service and Bill of Rights Act (DD Act) of 1975 any acts amendatory thereof or supplemental thereto.

ARTICLE II: MEMBERSHIP

- A.** The CDD shall consist of two groups of people: 1) ex officio members who belong to the Council based on the position that they hold in an agency or organization that is connected to CDD's work and, which, in many instances, is also required by federal law to hold membership (the "ex officio members"); and 2) persons appointed by the Governor, from among residents of New York State ("caucus members"). Caucus members may be appointed for up to two terms of three years and may remain on the Council until a replacement appointment has been made, even if their term has ended. Each caucus member's term begins on the date their official appointment takes effect. If a caucus member wishes to apply for additional service, they must wait at least three years after finishing their second consecutive three-year term before they can rejoin the Council.

- B.** The CDD shall include, as ex officio voting members, representatives of:
 - 1.** The principal State agencies, including, but not limited to, the State agency designated under the New York State Mental Hygiene Law to administer services for people with intellectual and developmental disabilities, the State agency that administers funds provided under the Rehabilitation Act of 1973, the State agency that administers funds provided under the Individuals with Disabilities Education Act (IDEA), the State agency that administers funds provided under the Older Americans Act of 1965, the State agency that administers funds provided under Title XIX of the Social Security Act for persons with developmental disabilities, and the state agency that administers funds provided under title V of the Social Security Act;

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ARTICLE II: MEMBERSHIP (Continued)

2. Each University Center for Excellence program in the State;
 3. The State protection and advocacy system;
 4. Local and non-governmental agencies and private not-for-profit groups concerned with services for persons with developmental disabilities.
- C.** At least sixty percent (60%) of the membership of the CDD shall consist of the following caucus members:
1. Individuals with developmental disabilities;
 2. Parents or guardians of individuals with developmental disabilities; and
 3. Immediate relatives or guardians of persons with intellectual and/or developmental disabilities, and who are not employees of a State agency which receives funds or provides services under the DD Act, who are not managing employees of any other entity which receives funds or provides services under this Act, and who are not persons with an ownership or control interest with respect to such entity.
- CI.** Of the caucus members of the CDD described in Paragraph C, Article II: at least one-third shall be persons with developmental disabilities; and at least one-third shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities; the remaining one-third shall be comprised of a combination of 1. and 2. above.
- CII.** Caucus members of the Council shall be appointed by the Governor from among residents of New York State. CDD shall:
1. Identify multiple candidates recommended for appointment to ensure that membership composition requirements of Section 125(b) of the DD Act are met including those pertaining to socioeconomic, geographic, disability, racial, ethnic, and language diversity.
 2. Attempt to ensure that membership is geographically representative of the State and reflects the diversity of the State with respect to race and ethnicity. Appointments to the Council shall be made without regard to race, color, sex, age, or national origin of the appointees, or disability of the appointees, except as required by applicable federal and state developmental disability laws.

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ARTICLE II: MEMBERSHIP (Continued)

- D.** Members serving by virtue of their office may designate an alternate representative to attend council meetings and/or Standing Committees when a situation dictates the member being absent. The alternate shall be duly registered by the CDD as an alternate and will enjoy all rights, privileges, and responsibilities of the member. Each State agency member shall have one (1) vote at meetings of the full Council, with the exception of any DD Act mandated state agency representatives that administer multiple programs identified in Paragraph B, Article II, in which case they shall have one (1) vote per program administered.
- E.** Members shall refrain from participating in voting procedures in instances where a potential conflict of interest may exist as defined under the Public Officers Law and CDD Conflict of Interest policy.
- F.** Members shall receive no compensation for their services. Caucus members shall be reimbursed for all allowable expenses actually and necessarily incurred by them in the performance of their duties.

ARTICLE III: CHAIRPERSON, VICE-CHAIRPERSON, AND CAUCUS CHAIRPERSON

- A.** The Chairperson shall be appointed by the Governor from among the membership of the Council and shall serve at the pleasure of the Governor. The Council may provide guidance and act in an advisory capacity in proposing a candidate(s) for chairpersonship for the Governor's consideration.
- B.** The Vice-Chairperson shall be appointed by the Council Chairperson from among its membership at the full Council Annual Meeting and shall serve for a term of two (2) years.
- C.** The Caucus Chairperson shall be elected by the Caucus from among its membership at the full Council Annual Meeting and shall serve for a term of two (2) years.

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ARTICLE IV: MEETINGS

- A.** The CDD shall conduct regular meetings at the call of its Chairperson or the Governor, but not less than three (3) times per year. One of such meetings shall be designated as the Annual Meeting of the Council. Each Standing Committee shall conduct regular meetings at the call of their Chairperson, but not less than three (3) times per year.
- B.** Special meetings shall be held at the written request of at least eight (8) members of the Council to the CDD Executive Director. These special meetings shall be held within fifteen (15) working days of the receipt of said written request.
- C.** All Council meetings require at least ten (10) days of written notice from staff and shall be open to the public except that the Council may, by a majority vote, set or schedule executive sessions in accordance with the requirements of the New York State Public Officers Law.
- D.** All committee meetings require notification to members of the Council and to committee members in writing or by telephone and shall be open to the public.
- E.** Procedures for all meetings shall be in accordance with Roberts Rules of Order (Revised) and with any applicable revisions of the New York State Law. All policies and practices, both in person and remote, must be in accordance with federal and NYS laws, policies, and guidance.
- F.** Consistent with a resolution authorized by the CDD on October 27, 2022, and pursuant to New York Public Officers Law § 103-a, the Chairperson or their designee may allow Council members who are unable to be physically present at a meeting location due to extraordinary circumstances, namely, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting, to attend the meeting by videoconference.
 - 1. If a member is unable to be physically present at the designated public meeting location(s) and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the Council member must notify the Chairperson no later than four business days prior to the scheduled meeting, for proper notice to the public to be given.

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ARTICLE IV: MEETINGS (Continued)

2. If there is a quorum of members participating at a full Council meeting at a physical location(s) open to the public, CDD may properly convene the meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum unless the member cannot participate in person due to their own disability. Any member who has a disability as defined in Executive Law Section 292(21) that renders them unable to participate in person and who joins the meeting by videoconference will be considered present for purposes of fulfilling a quorum.
3. All members of the Council who participate by videoconferencing due to extraordinary circumstances may participate and vote, so long as a quorum is reached.
4. Except in the case of executive sessions, all members must be heard, seen, and identified while the meeting is being conducted.
5. Prior to the meeting, remote participants will be sent all documents electronically (or by mail, as a reasonable accommodation request).
6. Attendance by videoconference will be considered only as allowed by State and federal law.

ARTICLE V: MEETING QUORUM AND ATTENDANCE

- A. A quorum shall be required to transact any official business. A quorum for any formally recognized meeting of the CDD shall consist of more than one half of the applicable membership. Once a quorum is established, a position is carried by a majority of members eligible to vote, and an act of the majority of the members present shall be the act of the Council. At a meeting at which a quorum is present, the requirement for quorum is considered met throughout the originally scheduled time of the meeting. In the absence of a quorum, any meeting may be adjourned by a vote of the majority of Council members and no other official business may be transacted. Members presented at a duly called or held meeting at which a quorum was present may continue to do routine business not requiring a vote (other than adjournment) should a quorum no longer be maintained during the meeting.

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ARTICLE V: MEETING QUORUM AND ATTENDANCE (Continued)

- B. Each appointed and/or officially recognized CDD member shall have one vote, unless otherwise noted.

A member must be physically present to count towards a quorum, with the exception of a member who has a disability as defined in Executive Law Section 292(21) that renders them unable to participate in person and who joins by videoconference.

- C. Members shall notify the CDD office when they are unable to attend any regular or special meeting.

ARTICLE VI: COUNCIL COMMITTEES

- A. **Executive Committee:** The CDD Shall at all times have an Executive Committee.

1. The Committee shall be comprised of Leadership of the CDD: Chairperson, Vice-Chairperson, Caucus chair, and Chairs of each Standing Committees. The Commissioner of the agency, or their designee, implementing the states Developmental Disabilities Services or his/her representative shall serve as a non-voting member. The Caucus Chair Delegate shall serve as a non-voting member, unless as required under Article IX, Section D. The Executive Director shall serve as a non-voting member.
2. The Executive Committee shall act on behalf of the full CDD in all urgent business matters concerning the Council if it is not possible for the full Council to meet, and when it is not practical to convene a special Council meeting. The Executive Committee has the authority to take action on behalf of the Council for time sensitive items including policy initiatives, funding requests, and proposal approvals.
 - a. Actions must be in a manner consistent with its best determination of what the members of the CDD would decide under normal circumstances and shall not modify any action taken by the Council unless authorized by the Council to do so.

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ARTICLE VI: COUNCIL COMMITTEES (Continued)

B. Standing Committee: The CDD may establish such Standing Committee(s) as it deems appropriate to carry out its responsibilities.

1. Standing Committees shall be established as necessary to perform activities undertaken by the CDD in accordance with State and Federal Law. The CDD Executive Director shall appoint the members of the Standing Committees from the membership of the CDD. A member of each committee shall be appointed by the CDD Executive Director to serve as the Committee Chairperson for a term of two (2) years. The composition of each Standing Committee shall, to the maximum extent feasible, be reflective of the composition of the CDD.
2. The role of the Standing Committees shall be to assist the CDD in fulfilling its planning and advocacy mission on behalf of all people with developmental disabilities and their families.
3. Each Standing Committee Chairperson shall report on their work and activities to the Executive Committee and the CDD at all regularly scheduled meetings for discussion and final determination.
4. Each Standing Committee shall meet at the call of its Chairperson or at the request of five (5) or more members of the Committee.
5. Actions by a committee are not binding until approved at a meeting of the full Council.

ARTICLE VII: CAUCUS

A. Caucus Members of the CDD may meet in caucus to organize themselves and shall:

1. Elect a Chairperson to preside over the Caucus meetings and represent caucus members on the full Council and as a voting member on the Executive Committee.
2. Provide input on council activities and make informal recommendations to the CDD on administrative and organizational matters that will facilitate achievements of CDD mandates and mission, as appropriate.

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ARTICLE VIII: TASK FORCES AND AD HOC GROUPS

- A.** Upon a demonstration of need, the CDD leadership may appoint such task forces and other ad hoc groups to provide technical and expert assistance to the Council for such periods of operation as may be required.
- B.** Membership of such task forces and ad hoc groups of the Council may include but not be limited to members of the Council.
- C.** The members, other than State employees, of such task forces and ad hoc groups shall receive no compensation for their services but shall be reimbursed for all expenses actually and necessarily incurred by them in the performance of their duties if they are serving as a caucus member of the council.
- D.** Members shall refrain from participating in project development and voting procedures in instances where a potential conflict of interest may exist as defined under the Public Officers Law and CDD Conflict of Interest policy.
- E.** Each task force and ad hoc group shall meet at the call of its Chairperson or the Chairperson of the Council.

ARTICLE IX: DUTIES OF LEADERSHIP

- A.** Assuring that Council members and the Executive Director carry out the mission, its purposes, objectives, and requirements as defined in P.L. 106-402, Chapter 588 of the NYS Law of 1981, Article 19-D, Section 450 and any relevant amendments to such laws.
- B.** The Council Chairperson is responsible for:
 - 1.** Presiding at all meetings of the full Council
 - 2.** Appointing the Council vice-chairperson
 - 3.** Acting in an advisory capacity on selecting committee chairpersons
 - 4.** Serving as a non-voting member of all Standing Committees, task forces, and ad hoc groups
 - 5.** Outlining the specific charges and responsibilities of all committees
 - 6.** Presiding at the Executive Committee in the absence of the Vice-Chairperson
 - 7.** Serving as a member of the Executive Committee

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ARTICLE IX: DUTIES OF LEADERSHIP (Continued)

C. The Vice-Chairperson of the Council shall:

1. Serve as the Chairperson of the Executive Committee and preside at such meetings;
2. Preside in the absence of the Chairperson of the Council at all meetings of the Council;
3. Carry out the other duties of the Chairperson should this be necessitated by the inability of the Chairperson to carry out such duties.

D. The Caucus Chair shall:

1. Preside over the Caucus meetings;
2. Preside in the absence of the Chairperson and Vice Chairperson of the Council at all meetings of the Council;
3. Select an Executive Committee Caucus Delegate who shall preside over the Caucus in the absence of the Caucus Chairperson and serve as a non-voting member of the Caucus on the Executive Committee or as a voting member of the Executive Committee in the absence of the Caucus Chairperson;
4. Report on Caucus activities to the Executive Committee and full Council;
5. Serve as a member of the Executive Committee.

E. The Standing Committee Chairperson(s) shall:

1. Preside at all committee meetings;
2. Report on committee work and activities to the Executive Committee and the full Council;
3. Serve as an advisory member of any task force or ad hoc group relating to such committee;
4. Serve as a member of the Executive Committee.

F. In the absence of a Chairperson and/or Vice-Chairperson, the Council's Executive Director shall select an interim Chairperson or Vice-Chairperson.

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ARTICLE X: DUTIES OF THE EXECUTIVE DIRECTOR

A. The Executive Director of the Council shall be responsible for:

- 1.** Promotion of and implementation of Council plans, priorities and objectives as required under State and Federal Law;
- 2.** Assuring appropriate administration of Council policies, procedures, and records in accordance with New York State and Federal Laws;
- 3.** Hiring, supervising, periodically evaluating and assigning responsibilities of subordinate personnel;
- 4.** Preparing required reports and official notices of actions by the Council;
- 5.** Serving as a non-voting member of the Executive Committee;
- 6.** Carrying out duties as assigned in Civil Service job description.

ARTICLE XI: COUNCIL STAFF

A. The Executive Director shall be authorized to hire such staff and obtain the services of such professional, technical, and clerical personnel consistent with State law as the Council determines to be necessary to carry out its functions in compliance with State and Federal Law.

ARTICLE XII: AMENDMENTS

A. These by-laws may be altered, amended or repealed and new by-laws may be adopted by a vote, including written assent of members not able to be present, of three-fourths (3/4) of the members of the Council at any regular or special meeting where a majority of the members of the Council are present, and the notice for the regular or special meeting was at least thirty (30) days in advance of the meeting and included the altered, amended or new by-laws to be brought before the members at such meeting.

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Want More Information?

If you have questions or would like more information about the New York State Council on Developmental Disabilities, please call or email us, 9:00am to 5:00pm, Monday through Friday.

You may also find more information by visiting our website at: www.cdd.ny.gov.

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