

Texas Council for Developmental Disabilities

Council Policies

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I. NAME

The Council is established in state statute as the Texas Council for Developmental Disabilities.

II. PURPOSE

The purpose of the Texas Council for Developmental Disabilities (hereinafter called "the Council") is to fully implement its responsibilities under the Developmental Disabilities Assistance and Bill of Rights Act as well as applicable state statutes. The Council's mission is stated in its State Plan.

III. MEMBERS

(Revised 11/03/06)

A. Membership. Members of the Council are appointed by the Governor in a manner consistent with federal and state law. Members shall include individuals with developmental disabilities, parents of individuals with developmental disabilities, and representatives designated by the chief executive officer of the following state agencies and organizations:

1. The Texas Education Agency,
2. The Department of Aging and Disability Services,
3. The Department of Assistive and Rehabilitative Services,
4. The Department of State Health Services,
5. The Texas Health and Human Services Commission,
6. Disability Rights Texas (formerly Advocacy, Inc.), and
7. The Center for Disability Studies at the University of Texas – Austin and
8. Center on Disability and Development at
Texas A&M University, College Station.

B. Terms. Members of the Council serve staggered terms as specified in state statute.

C. Council Member Expenses. Council members serve without salary but are entitled to receive reimbursement for actual expenses for all approved activities consistent with Council policies and state law.

D. Conflict of Interest. Council members shall adhere to the Conflict of Interest Disclosure Policy as approved by the Council as Appendix I.

IV. RESPONSIBILITIES OF COUNCIL AND THE EXECUTIVE DIRECTOR

(Revised 11/03/06)

A. General Powers and Responsibilities. The Texas Council for Developmental Disabilities is a 27 member board appointed by the Governor of Texas. The Council is an agency within the executive branch, but functions independently within its statutory authority to serve the long-term public interest.

B. Powers and Responsibilities of the Council.

The Council is responsible for establishing the policy framework through which the agency carries out its statutory responsibilities. The staff of the Council receives direction from the Council through the Executive Director. Specifically, the Council shall:

1. adopt administrative rules that guide the staff in administering Council activities and projects;
2. approve State Plan and Plan amendments;
3. approve requests for appropriations;
4. approve an operating budget for the Council;
5. approve funding activities to be initiated with grant funds;
6. approve an internal audit charter, an annual internal audit plan, and review completed audits;
7. approve public policy Position Statements;
8. approve contracts, exclusive of grant awards, in excess of \$10,000;
9. approve new and continuation grant awards;
10. oversee operations of the Council for integrity, effectiveness, and efficiency;
11. establish procedures for reviewing appeals for actions of the Council and staff;
12. approve personnel policies for Council staff;
13. select the Executive Director;
14. approve staff positions; and
15. provide input to the Chair for the annual performance appraisal of the Executive Director.

C. Powers and Responsibilities of the Executive Director.

The Executive Director is responsible for the effective and efficient administration of the policies established by the Council. Specifically, the Director shall:

1. select, organize, and direct the staff of the Council consistent with personnel policies approved by the Council;
2. establish the operating budget for the Council and allocate funds among strategies, programs, and projects within the limits of statutory authority and as set forth in the General Appropriations Acts of the legislature;
3. Serve as or designate a Chief Audit Executive to coordinate with and provide assistance to the internal auditor who will conduct a risk assessment, develop a proposed internal audit plan, and conduct audits consistent with the approved audit plan and/or special audits;
4. approve expenditures of funds within the budget approved by the Council in accordance with law;
5. approve grant awards for stipends grants and provide timely notice of such actions to the Executive Committee and Council;
6. coordinate request for proposals, proposal review, negotiation of initial and continuation workplan and grant awards, and provide technical assistance, support and monitoring of grant activities;
7. represent the Council and report on behalf of the Council to the Governor, Legislature, the public, or other organized groups as required;
8. report in a timely manner all relevant information first to the Chair and subsequently to all members of the Council, endeavoring to report to members of the Council in such a manner that the members are equally well informed on matters that concern the Council;

9. enter into Interagency Agreements and Memorandum of Understanding with other agencies and organizations, exclusive of the Memorandum of Understanding with the Council's designated agency, to implement the policies and positions of the Council;
10. collaborate with the Council's designated agency for efficient and effective administrative support pursuant to the Memorandum of Understanding;
11. represent the Policy Positions of the Council, and oversee staff activities to assure consistency with Policy Positions of the Council;
12. recommend to the Council policy positions and programmatic and budgetary activities to implement the Council's State Plan;
13. coordinate development of the Council's State Plan, amendments, annual reports, and other state or federal planning and reporting activities;
14. establish policies and procedures to ensure Council staff carry out responsibilities and activities as approved by the Council;
15. establish procedures to ensure Council staff comply with personnel policies as approved by the Council, including state requirements pertaining to work hours of state employees;
16. act as the Secretary for all Committees and the Council for purposes of certification of the Minutes of the Committees and Council following approval; and
17. delegate responsibilities to other Council staff as appropriate.

V. OFFICERS

(Revised 05/06/11)

- A. Positions and Qualifications. Officers of the Council shall be a Chair and Vice-Chair. A representative of a state agency may not serve as an officer of the Council.
- B. Appointment and Election Procedures.
 1. The Council Chair shall be designated by the Governor to serve a term at the will of the Governor.
 2. The Council Vice-Chair shall be elected by the Council at the first regular Council meeting of the new calendar year except for a vacancy. The term of office for the Council Vice-Chair shall be one calendar year. No member may hold the office of Council Vice-Chair for more than two consecutive full terms.
- C. Vacancies in Office
 1. A vacancy in the office of Council Chair may be filled only by the Governor. The Council Vice-Chair shall perform the duties of the Chair during the period of vacancy.
 2. A vacancy in the office of Vice-Chair may be filled by a majority vote of the members present at any scheduled meeting of the Council. Vice-Chairs elected in this manner shall serve until the election of a Vice-Chair at the first regular Council meeting of the new calendar year.
- D. Duties of Officers
 1. The Chair is responsible for the general supervision of all activities of the Council in order to assure that the objectives of the Council are executed in the best possible manner. The responsibilities of the Chair shall include, but not be limited to, the following duties:
 - (a) The Chair shall preside at all Council meetings.
 - (b) The Chair shall serve as the Chair of the Executive Committee, as a non-voting ex-officio member of the Audit Committee, and as a voting ex-officio member of all other committees except the Nominating Committee.
 - (c) The Chair shall appoint the members of all standing and ad hoc committees except the Nominating Committee and the Executive Committee.

- (d) The Chair shall appoint Chairs of all standing committees in a manner prescribed in Article VI of these bylaws. All such appointments are subject to the approval of the Council.
 - (e) The Chair shall call special meetings of the Council, as necessary.
 - (f) The Chair shall approve the agenda for each Council meeting.
 - (g) The Chair shall represent the Council at public meetings and conferences and in dealing with other organizations or shall designate an alternate to do so.
 - (h) The Chair shall approve out-of-state travel of Council members or staff pursuant to travel procedures established by the Executive Committee.
 - (i) The Chair shall provide advice and consultation to the Executive Director concerning activities conducted by Council staff.
 - (j) The Chair shall prepare the annual performance evaluation of the Executive Director after considering input from Committee Chairs and Council members.
 - (k) The Council Chair shall be authorized to act for the Council on matters which require Council action when neither the appropriate committee(s) nor the full Council can meet, providing:
 - i. input is solicited from the Council Vice-Chair, the Chair of the appropriate Committee, and other members of the Council reasonably known to be knowledgeable about the matter at hand (For purposes of this sub-section, "input" means to receive and disseminate information.); and,
 - ii such action shall be reviewed by the appropriate Committee of the Council when it next meets.

In the event three or more Council members place in writing a request for recession of this authority to the Executive Committee, this authorization may be temporarily suspended by the Executive Committee pending full review by the Council. The Executive Committee shall review and affirm or disaffirm such actions and recommend to the Council continuance or discontinuance of authority for such matters.
 - (l) The Council Chair shall be authorized to approve a one-time adjustment to the amount previously authorized for a grant award when that amount is not more than 10% of the amount previously approved by the Executive Committee and not more than \$10,000, and shall report such actions to the Committee and Council.
2. The responsibilities of the Vice-Chair shall include, but not be limited to, the following duties:
- a. The Vice-Chair shall perform the duties of the Chair in all cases when the Chair is unable to serve.
 - b. The Vice-Chair serves as Chair of the Audit Committee.
 - c. The Vice-Chair shall be a voting ex-officio member of all other committees except the Nominating Committee.
 - d. The Vice-Chair shall assume such additional duties as may be requested by the Chair.

VI. COUNCIL MEETINGS

- A. Schedule. The Council shall meet quarterly in regular session on dates set by the Chair. Special meetings of the Council may be called by the Chair, the Executive Committee, or through the written request of five or more Council members.
- B. Agenda and Notice. The Chair shall approve the agenda for each Council meeting. A copy of the agenda will be provided to each member of the Council at least 10 days prior to each meeting. The Chair and the Executive Director shall ensure that all Council meetings conform to the requirements of the Texas Open Meetings Act.

- C. Minutes. The Executive Director shall be responsible for the preparation of minutes of each Council meeting and shall distribute approved minutes to members of the Council.
- D. Quorum. A quorum for Council meetings consists of a simple majority of all members.

VII. COMMITTEES OF THE COUNCIL

(Revised 5/06/11)

A. Establishment and Appointment.

- 1. There shall be the following standing committees of the Council:
 - (a) Executive Committee
 - (b) Audit Committee
 - (c) Public Policy Committee
 - (d) Project Development Committee
 - (e) Nominating Committee
- 2. The Chair shall recommend members of each standing committee except the Nominating Committee and the Executive Committee and shall recommend chairs of each standing committee except the Executive Committee, Audit Committee and Nominating Committee. All committee and committee Chair appointments shall be approved by the Council.
- 3. A Council member, with the exception of the Chair and Vice-Chair, may be a voting member of only one of the following committees: Public Policy or Project Development.
- 4. Committee Chairs shall serve two-year terms and may be re-appointed.
- 5. The Committee Chair shall name a Vice-Chair for the committee within 60 days of his/her approval by the Council.
- 6. The Council Chair and Council Vice-Chair shall not be appointed to serve as Chair or Vice-Chair of any standing committees except the Executive Committee and Audit Committee.
- 7. The Executive Committee consists of the Council Chair, Vice-Chair, the Chair of the Project Development Committee, the Chair of the Public Policy Committee, and a consumer member at large elected by the full Council. Committee Vice-Chairs may serve as a voting alternate to their Committee Chairs. The immediate past chair serving on the Council is a non-voting member. The Council Chair and Vice-Chair shall serve as the Executive Committee Chair and Vice-Chair, respectively.

B. Meetings

- 1. A quorum for committee meetings shall be a simple majority of the active members of the committee.
- 2. A committee may make recommendations based on a simple majority of those present.
- 3. Written notice of each committee meeting shall be provided to all Council members at least 10 days prior to each meeting. Such notice shall include the time, date, place and items to be discussed at that meeting.
- 4. Written minutes of each committee meeting shall be prepared under the supervision of the Executive Director and shall be provided to members in a timely manner.

C. Executive Committee Duties

The Executive Committee shall have the following powers and duties, and others that may be designated from time to time by the Council.

- 1. Act for the full Council on emergency matters when the full Council cannot meet, provided that the subsequent concurrence of a majority of the Council members shall be necessary to make such actions valid. In all actions of the Executive Committee, the legal rights of third parties shall be protected.
- 2. Review the internal organization and functions of the Council.

3. Report regularly its work and actions to the Council. The minutes of Executive Committee meetings shall be sent to all Council members.
 4. Review applications for the position of the Executive Director of the Council consistent with the personnel policies of the Council.
 5. Advise the Chair concerning the annual performance appraisal of the Executive Director.
 6. Make recommendations to the full Council regarding staffing patterns necessary to effectively implement the State Plan.
 7. Provide recommendations to the Council for annual budgets necessary to effectively implement the State Plan.
 8. Annually review the TCDD Memorandum of Understanding with the designated state agency and recommend appropriate revisions to the Council and agency.
 9. Periodically review the Policies and recommend appropriate revisions to the Council in a manner consistent with Section XI.
 10. Act as the Review Panel for stipends grant applications.
 11. Approve personnel policies for Council staff.
 12. Approve travel procedures for Council members and staff and review a quarterly report of Council member and staff travel activities and expenses to ensure conformance to approved procedures and expectations.
 13. Review Conflict of Interest Disclosure Statements of Council members and staff.
 14. Review and approve Review Panel members for assessment of grant application responses.
 15. Review recommendations for funding of each Review Panel and provide final approval of grant funding awards, exclusive of stipend grant awards.
 16. Review concerns noted in independent audit reports of grantees and corrective actions initiated by TCDD staff.
 17. Provide guidance to staff concerning concerns or corrective actions related to grant projects.
 18. Review and approve annual continuation grant awards.
 19. Report all grant funding award determinations and continuation grant awards to the Council.
 20. Review staff reports of grantee on-site monitoring.
 21. Review any suspensions of grant funds authorized by the Executive Director.
 22. Approve termination of grant funding.
 23. Provide input to the Chair concerning recommendations for final determination of any appeal of a funding decision by an applicant or grantee.
- D. Audit Committee Duties and Composition
1. The Audit Committee shall have the following powers and duties, and others that may be designated from time to time by the Council.
 - a. Annually review and make recommendations to the Council regarding an internal audit charter, an annual internal audit plan and any special audits;
 - b. Approve submittal of the annual internal audit plan subject to review and revision by the Council; and
 - c. Review audit reports from the internal auditor and make recommendations to the Council concerning actions or resolutions.

- d. Provide guidance and oversight to the process to solicit offers for internal audit services once every five years and otherwise when determined to be appropriate, and recommend the final selection of an internal auditor to the Council.
 - e. Ensure that an entity selected to provide internal audit services not contract for a period, including renewals, longer than ten (10) consecutive years.
 - f. Ensure the External Quality Assurance Review of the TCDD internal audit function is conducted according to the Texas Internal Audit Act and the report is reviewed by the Audit Committee.
2. The Audit Committee shall be comprised of no more than five (5) members including the Chair.
 - a. The Council Vice-Chair shall serve as Chair of the Committee;
 - b. The Council Chair shall appoint other members of the Committee subject to approval by the Council;
 - c. The Council Chair shall be a non-voting ex-officio member of the committee.
 3. The Audit Committee shall meet at least two (2) times yearly.

E. Public Policy Committee Duties

The Public Policy Committee shall have the following powers and duties, and others that may be designated from time to time by the Council.

1. Coordinate action on advocacy goals, objectives, and activities of the Council.
2. Provide recommendations to the Council of advocacy and legislative activities based on input from the public, recommendations by grantees and all other sources of advocacy information.
3. Recommend specific strategies and funding activities to the Council or the Project Development Committee as appropriate for advancing priority public policy advocacy issues.
4. Participate in the development and revision of the State Plan.
5. Coordinate the public information activities of the Council.
6. Make recommendations to the full Council on future public information strategies.
7. Monitor and provide updates on the implementation of advocacy and public information goals and objectives in the State Plan.
8. Develop Position Statements in key advocacy issue areas for consideration by the Council.
9. Identify health and human services policy issues and develop recommendations to the Council and/or Project Development Committee for appropriate activities.

F. Project Development Committee Duties

The Project Development Committee shall have the following powers and duties, and others that may be delegated from time to time by the Council.

1. Provide guidance and oversight to the overall planning and funding activities of the Council.
2. Provide guidance to Council staff regarding methods to monitor and review grant projects and providing summary report information on each grant to the Committee.
3. Provide recommendations to the Chair concerning grantee presentations to the Council.
4. Provide recommendations to the Council for the required State Plan or its annual amendments, including priority areas, goals, objectives, and activities consistent with a procedure approved by the Council.

5. Provide recommendations to the Council for funding activities, including Requests for Proposals, or to the Public Policy Committee of possible advocacy activities, based on the approved State Plan.
6. Monitor and provide updates on the implementation of goals, objectives and activities in the State Plan.
7. Review recommendations from other Committees and provide guidance to staff and/or recommendations to the Council as appropriate.

G. Nominating Committee Duties and Composition

1. The Nominating Committee shall have the following powers and duties, and others that may be designated from time to time by the Council.
 - (a) Presents a recommendation to the full Council for the office of Council Vice-Chair at the winter Council meeting.
 - (b) Presents a recommendation to the full Council for a primary consumer delegate-at-large to the Executive Committee at the winter Council meeting.
2. Each standing committee except the Executive Committee shall elect one member for the Nominating Committee prior to the fall Council meeting.
3. At the fall Council meeting, the Council shall elect a member who is not an Executive Committee member to serve as a member of the Nominating Committee and, if necessary, an additional member to ensure a committee of not less than three nor more than five members. The members of the nominating committee shall select a Chair from among the members of the committee.

VIII. TCDD State PLAN FOR TEXANS WITH DEVELOPMENTAL DISABILITIES

The document TCDD State Plan for Texans with Developmental Disabilities is adopted by reference. The document is available from the Texas Council for Developmental Disabilities, 6201 E. Oltorf, Ste. 600, Austin, Texas 78741. This document may be revised and updated after public review and comment as provided by the federal law, the Developmental Disabilities Assistance and Bill of Rights Act as amended.

IX. CHARGES FOR COPIES OF PUBLIC RECORDS

- A. The charge to any person requesting copies of any public record of the Council will be the charge established by the General Services Commission at 1 TAC §§111.61-111.70 (relating to Costs of Copies of Open Records).
- B. The Council may reduce or waive these charges at the discretion of the Executive Director if there is a public benefit.

X. TCDD GRANTS PROJECTS

(Revised 05/06/11)

A. Scope

1. As authorized by 40 TAC 112.020 (a)(3), the Council may contract or provide grants to public or private organizations to implement the TCDD State Plan for Texans with Developmental Disabilities, if funds are available.
2. These sections govern the submission and review of project proposals and the award, amendment, and termination of project contracts.

B. Overview of TCDD Grants

1. The Council will identify priorities for funding projects based on the approved TCDD State Plan for Texans with Developmental Disabilities.
2. Sources.

- (a) The Council may solicit proposals from state agencies, non-profit organizations, or private for profit organizations that have organizational expertise related to the requirements of the proposal.
 - (b) Unsolicited proposals may be submitted by organizations consistent with procedures approved for such submissions by the Project Development Committee.
 - (c) The Council may develop projects with organizations without competitive proposals when only one known best expert is available, for business necessity, or when otherwise allowed by Council determination.
 - (d) Nothing herein shall be construed to prohibit any firm, agency, or organization with which any member of the Council is associated from receiving a grant from the Council providing the Council member does not receive compensation or financial gain from the grant.
3. Requests for Proposals will be published in the Texas Register and a notice will be provided to organizations on the Council's Web site and mailing list.
 4. TCDD may reject all applications submitted in response to a request for proposals and may cancel a grant solicitation at any point before a grant award is finalized.
 5. Council staff provides technical assistance and support to grant projects including training for new grantees. Council staff also monitor grantee accomplishments and compliance with TCDD Grants procedures by conducting one or more on-site monitoring visit(s) to each grant project annually unless otherwise provided by a risk assessment methodology approved by the Audit Committee. Summary reports of on-site visits are provided to the Executive Committee.
 6. TCDD funds shall not be used to conduct clinical research.

C. General Selection Criteria

1. Grants shall be awarded based on guidelines that reflect state and federal mandates. Selection criteria shall be designed to select applications that provide best overall value to the state and to the Council.
2. Evaluation Criteria shall include but not be limited to:
 - a. program quality as determined by a peer review process; and
 - b. the cost of the proposed project.
3. The Council may consider additional factors in determining best value, including:
 - (c) financial ability to perform services;
 - (d) state and regional needs and priorities;
 - (e) improved access for unserved or underserved areas and or groups of individuals;
 - (f) ability to continue services after conclusion of grant funding, if applicable; and
 - (g) past performance and compliance.

D. Application Requirements

1. Council staff shall develop a "Grant Application Packet" for each Request for Proposal. Grant Application Packets shall be available upon request from the Texas Council for Developmental Disabilities with each Request for Proposal and will be made available at the Council's Web Site.
2. The Grant Application Packet will include at a minimum:
 - (a) goals describing the purpose for the grant program;
 - (b) eligibility requirements;
 - (c) description of the project activities and outcomes;
 - (d) application forms and instructions;

- (e) application requirements and restrictions; and
 - (f) selection criteria and the process to evaluate grant proposals and select proposals for awards.
3. The Applicant shall use the format included in the Grant Application Packet. A proposal which is submitted in a format that is substantially different from the Council's format will not be considered.
 4. Proposals received after the closing date will not be considered, unless an exception is approved. The Executive Director is authorized to approve requests for exceptions for good cause received prior to the closing date. Exceptions requested after the closing date may be approved only by the Executive Committee. Any exceptions shall be documented in writing and retained as part of the grant application file.
 5. Projects seeking continuation funding may have separate application forms, instructions, and procedures, as determined by Council staff.
- E. Screening of Proposals
1. Council staff will screen applications to determine if all information has been provided in a timely fashion, on prescribed forms.
 2. An application must be complete for consideration and shall include a signature by the proper authorizing official.
 3. Council staff will provide written notification to applicants eliminated through the screening process.
- F. Peer Review Process
1. The Council shall use peer reviewers to evaluate proposals submitted in competitive requests for proposals, exclusive of stipends grant proposals when the award is greater than \$15,000.
 2. Council staff shall serve as the review panel for stipends grant proposals and for other grants when authorized funding \$15,000 or less yearly.
 3. All reviewers shall disclose any conflicts of interest with individuals associated with applications to be reviewed.
 4. The Executive Director shall submit recommendations for Review Panel members to the Executive Committee for approval. Council members and staff will be asked for suggestions of professionals and public citizens to evaluate proposals. Reviewers may not evaluate proposals in which there is, or is an appearance of, a conflict of interest.
 5. Council staff shall provide written instructions and training for all Review Panel members.
 6. Council staff shall convene a meeting with each Review Panel and shall record the summary evaluation of the review of each proposal.
- G. Funding Decisions
1. Council staff shall submit a recommended priority ranked list of applicants for possible funding. Final approval of organizations to receive grant funding exclusive of stipends grant awards, shall be determined by the Executive Committee.
 2. Final approval of organizations to receive grant funding for stipends projects shall be made by the Executive Director. Notice of such actions shall be provided in a timely manner to the Executive Committee and Council.
 3. Council staff may negotiate with selected applicants to determine the final terms of the award. To receive an award, the applicant must agree to perform the activities as presented in the request for proposals and accept any additional or special terms or conditions listed in the grant award and any changes in the grant application. Any

revisions to the project proposal shall become part of the grant award and shall be documented in writing.

4. Grant awards shall contain appropriate provisions for program and fiscal monitoring and for collection and submission of evaluation data and related reports.
5. Applicants must give assurances that the grantee will abide by the terms of the grant award; the Uniform Grant Management Standards (UGMS) adopted by the Governor's Office of Budget and Planning, and federal Rules related to these funds promulgated by the Office of Management and Budget (OMB) where applicable, as determined by Council staff; and these policies.
6. The Council Executive Director may negotiate and approve changes in the project proposal that address concerns and weaknesses noted from the review process, and/or which assure consistency with the intent of the RFP. Any revisions to the project proposal shall become part of the grant award and shall be documented in writing.
7. Council staff shall notify unsuccessful applicants in writing.

H. Continuation Funding

1. Projects may be eligible for continuation funding as specified in the original request for proposals. Continuation funding will not be automatic. Consideration for continuation funding will include a review of the project's accomplishments, progress toward stated goals and objectives, financial management of grant funds, compliance with reporting requirements, review of the most recent project audit, review of findings from TCDD onsite reviews, and development of alternative funding. The grantee shall submit a proposal for continuation funding as requested by TCDD staff.
2. The Executive Committee may approve continuation grants after a review in accordance with the provisions of these policies. A summary of past accomplishments and future activities of each project awarded continuation funding shall be provided to the Council.

I. Appeal of Funding Decisions

1. Appeals may be submitted from applicants for grants who did not receive funding or from grantees whose grants have not been awarded continuation funding. The person or entity appealing shall be known as the appellant.
2. Appeals of funding decisions shall be received, processed, and resolved with fairness and promptness.
3. The appellant shall file an appeal in writing addressed to the Executive Director. The written appeal must be postmarked within 10 workdays of the date of the written notice of suspension or within 15 workdays of the date of written notice of denial or of continuation funding. The written appeal shall include all relevant facts and information that the appellant wishes to have considered as well as the proposed remedy being sought. The Executive Director will acknowledge receipt of the letter with a copy to the Executive Committee.
4. The Executive Director will investigate, compile, and study all relevant information about the appeal and, within 30 workdays of the receipt of the appellant's letter and submit a written report to the Executive Committee. The report will contain recommended action and the evidence supporting the recommended action.
5. The Executive Committee may approve the recommendations of the executive director, make such modifications as deemed appropriate, order further investigation, or take other appropriate action.
6. The decision of the Executive Committee is final.
7. Council staff shall notify the appellant of the final determination of the appeal.

J. Suspension of Grant Funding

1. The Executive Director may suspend grant funding for a grant project prior to the end of the grant budget period pending the result of corrective measures if a grantee fails to comply with the terms of the grant, if anticipated outcomes or deliverables are no longer viable, or if the original purposes for which funding was approved are no longer evidenced. The Executive Committee shall be notified of any suspensions.
2. TCDD staff shall provide written notice to the grantee of the proposed suspension of grant funding at least 10 workdays prior to any suspension except as provided by Section L, Subsection 3. That notice shall state the reasons for the suspension of funding and the procedure for requesting reconsideration.
3. A suspension may be effective immediately if, after consulting with the Council Chair, the Executive Director determines that delayed action does not protect the interests of the Council.
4. A grantee shall have the opportunity to request reconsideration of the suspension of grant funding. The grantee must provide a written request for reconsideration to the Executive Director no later than 10 workdays after receiving notice of suspension of funding. A request for reconsideration must include all facts and information the grantee considers to be relevant to the situation and a proposed plan of correction. If a grantee does not request reconsideration in writing within the specified time period the grantee will be deemed to have waived any further review and grant funding will be suspended.
5. If the Executive Director determines that the responses of the grantee are not satisfactory, the grantee's authority to obligate funds may be suspended. TCDD staff shall provide the grantee a written notice of suspension that will set the effective date for suspension and identify any allowable costs that the grantee may incur during the period of suspension.
6. Suspensions remain in effect until the grantee has taken corrective action, given an assurance approved by the Executive Director that the corrective action will be taken, or the grant is terminated.

K. Termination of Grant Funding

1. The Council or the Executive Committee may terminate grant funding prior to the end of the grant budget period if a grantee fails to comply with the terms of the grant, if anticipated outcomes or deliverables are no longer viable, or the original purposes for which funding was approved are no longer evidenced.
2. The Executive Director may recommend to the Executive Committee termination of grant funding if corrective actions are not taken during a suspension period or if the corrective actions are not sufficient to remedy the concerns. In such instances, the Executive Director shall provide a summary report to the Executive Committee including the reasons for which a termination of funding is recommended, additional information provided by the grantee pursuant to a request for reconsideration, if any, corrective actions proposed by the grantee, and the proposed date for termination of funding.
3. The grantee shall be provided written notice of the recommendation to terminate funding at least 10 workdays prior to the meeting of the Executive Committee to consider that recommendation. Such notice shall include the date and location of the Executive Committee meeting where the recommendation to terminate funding will be considered.
4. The decision of the Executive Committee is final.
5. The Executive Director may also recommend to the Executive Committee that grant funding be terminated without an initial suspension of funds. In such instances, the grantee will be provided written notice of the recommendation to terminate funding at least 45 calendar days prior to the proposed termination. That notice shall state the reasons for

the termination of funding, the proposed date of termination, and the procedure for requesting reconsideration.

6. The grantee shall have the opportunity to request reconsideration of the proposed termination by filing a written request for reconsideration with the Executive Director not later than 10 workdays after receiving notice of the proposed termination.
7. If circumstances warrant, grant funding may be terminated by the Executive Committee or Council for cause without notice of suspension when delayed action does not protect the interests of the Council. In such instances, TCDD staff shall provide written notification of the termination which shall include the reason(s) for such action and instructions for termination or closeout of the grant.
8. Grant funding may also be terminated may by mutual agreement or by the grantee when the grantee's authorizing official gives written notification to the Executive Director. TCDD staff shall provide written notification of termination by joint agreement, or written acknowledgement of the termination notice if by the grantee. Such notice or acknowledgement shall include written instructions for termination or closeout of the grant.
9. The TCDD Executive Director may approve TCDD assuming the federal share of any obligations that cannot be cancelled.
10. A grant, or portion thereof, may also be terminated at the grantee's request by approval of the TCDD Executive Director.
11. Between the time of the proposed termination and the final decision of the Executive Committee, TCDD may withhold further funding. In the event the Executive Committee's decision is favorable to the grantee, the funds shall be promptly distributed to the grantee.

L. Financial Monitoring and Independent Audits

1. Independent audits of grantees are required for each year of funding in accordance with the requirements of OMB Circulars and Texas Uniform Grant Management Standards.
2. Project specific independent audits, annual independent review by a qualified CPA, agreed upon procedures of engagement for review by a qualified CPA, and/or other monitoring strategies shall be required of grantees not subject to annual independent audit requirements by OMB or UGMS. Appropriate monitoring strategies shall be based on an assessment of risk of each grantee and procedures approved by the Audit Committee.
3. The Council shall reimburse the grantee for the reasonable cost of the required audit or other required monitoring activity. TCDD staff shall determine the need for independent audits of grantees receiving less than \$100,000 annually of DD funds based on an assessment of risk of each grantee.
4. Staff shall provide to the Audit Committee a summary of the findings of each independent audit or required monitoring activity and the status of corrective actions required.

M. Funding Restrictions

Grantees will be subject to the following funding restrictions, unless statute or Council rules require otherwise:

1. TCDD shall provide not more than 75% of the total project costs from federal DD funds except for activities in designated poverty areas in which case federal funds provided by the Council shall be not more than 90% of total costs.
2. The Executive Director may reduce or waive the matching requirement of individual grant projects when deemed appropriate and shall report any such waiver to the Executive Committee.
3. Grantees are responsible to provide funds for the additional costs of project activities from non-federal sources.

4. DD funds are allowed for indirect administrative costs up to 10% of total project expenses. Any portion of indirect costs above 10% may be allowed as part of the required non-federal participant share.
5. Donated time and services may be included as a match contribution unless otherwise restricted by a specific request for proposals.
6. Council staff shall provide information about allowable non-federal sources of funds upon request.
7. No organization shall receive more than three (3) grants from the Council at any time.
8. Unallowable costs.

Information is available from Council staff concerning unallowable costs. Such costs will include but are not limited to the following:

- a. bad debts;
 - b. entertainment;
 - c. legislative expenses;
 - d. expenses required to be reported as lobbying by state statute; and
 - e. merit salary increases that total more than 5% of an individual's salary during a 12 month period.
9. Any revenues received from projects funded by the Council must be reported quarterly on forms provided by the Council. Council staff must approve use of such funds.

N. TCDD Grants Policies and Procedures

1. All grantees shall receive a TCDD Grants Manual that contains all requirements, procedures, and reporting forms for grantees.
2. The Executive Director will approve all revisions to a project work-plan, including performance measures, staffing pattern, or budget, providing the changes are within the total budget and general scope of work approved by the Council.
3. A grantee seeking to increase the authorized funding amount, length of project, or scope of work shall file a request with the Council. The request shall be submitted to the Executive Director with a justification for the change. The Executive Director shall review the request and make a recommendation to the Council. The Council's decision to approve or deny the request is final.

XI. PARLIAMENTARY AUTHORITY

- A. Open Meetings Act. All meetings and actions of the Council shall be in accordance with the Open Meetings Act, Article 6252-17, V.T.C.A.
- B. Robert's Rules of Order. The rules contained in the most current edition of Robert's Rules of Order Newly Revised, shall govern the Council except as otherwise provided by these Council policies or by statute. The Chair may designate a member to serve as Parliamentarian.

XII. AMENDMENT OF POLICIES

(Revised 02/12/10)

Council policies may be adopted or revised by a two-thirds (2/3) majority of the members present at a regular or called Council meeting providing a quorum is present at that time. Written notice of the proposed amendment(s) must be provided to Council members at least 10 days prior to any such action in either written (ie., hard copy, mailed) or electronic (e-mail) form in accordance with each Council member's preference.

Amendments may be proposed by a recommendation of the Executive Committee or by written request of any five (5) members of the Council.

A. Principles.

It is assumed that all Council members and employees, hereafter referred to as members and employees, enter into participation with the Council intending to serve the public and to further the independence, productivity and integration into the community of people with developmental disabilities.

This policy recognizes that both real and apparent conflicts of interest or dualities of interest sometimes occur in the course of conducting the Council's daily affairs. A conflict refers only to personal, proprietary interest of the persons covered by this policy and their immediate families, and not to philosophical or professional differences of opinion.

Through these policies the Council intends to ensure with reasonable prudence that no member or employee realizes or creates the appearance of realizing financial gain of any nature or amount from Council actions.

Members and employees shall not engage in any conduct or activity that might reasonably be interpreted by the general public as tending to adversely affect the performance of their official duties. Each member and employee shall, at all times, follow the procedures defined in these policies.

B. Definitions

All definitions are intended to be illustrative rather than exhaustive.

- i. "Interests" are intended to include substantial ownership interest in a company that seeks to do business with the Council or is a grantee or contractor. It also includes positions on the Boards of Directors or as an employee of such companies or entities.
- ii. "Indirect" as used in this policy includes ownership or positions such as director or officer of a family member in a company doing business with or seeking to do business with the Council.
- iii. "Substantial" Where the outside interests consist of ownership (direct or indirect) of an entity involved in a transaction with the Council, "substantial" ownership would involve a 5% or greater ownership of the entity.

C. Individuals and Organizations Covered

Personal financial gain and private benefit to members and employees of the Council are prohibited. Conflicts of interest involving any of the following organizations or individuals shall be avoided:

- i. The member or employee of the Council
- ii. Any member of the member's or employee's immediate family related by blood or marriage
- iii. An organization in which any of the above is an officer, director, employee or consultant
- iv. A person or organization with whom any of the above is negotiating or has any arrangement concerning prospective employment.

D. Actions Prohibited

- i. No member or employee shall participate in the discussion, selection, award or administration of or seek to advise on or influence a decision or vote regarding a grantor contract to a recipient where the member or employee knows or should have known that he or she has or had a direct or indirect financial interest in the grant or contract.

- ii. No member or employee shall solicit, receive or accept anything of value whether in the form of money, service, gift, benefit, loan, travel, entertainment, or promise from anyone who is subject to the Council's jurisdiction, or who is likely to become interested in any contract or transaction over which they exercise any discretionary function of his/her official duties under circumstances in which it could reasonably be inferred that the item was intended to influence him or her or could reasonably be expected to influence him or her in the performance of official Council duties or as a reward for any official action.
- iii. No member or employee in his or her official capacity shall engage in self-dealing in any purchase or sale and must not refer to himself or herself any business or client where the business to be transacted arises from the Council.
- iv. No member or employee shall divulge to an unauthorized person confidential information acquired in the course of official Council duties in advance of the time prescribed for its authorized release to the public.

E. Exceptions

- i. Nothing herein shall be construed to prohibit any firm, agency or organization with which any member or employee of the Council is associated from appearing, rendering services in relation to any matter before, or transacting business with the Council, where such Council member or employee does not share in the profits or receive compensation resulting therefrom.
- ii. If, after disclosure of a conflict of interest by an employee or member, the Executive Committee finds that the services rendered are of such benefit to and in the general public interest, an exception may be granted upon a vote of the majority of the Council, a record of which action shall be recorded and on file in the minutes of the Council proceedings.
- iii. A member or employee who has a developmental disability or who has a relationship or association with someone with a developmental disability shall not be construed as having a conflict of interest because of that disability, relationship or association.

F. Disclosure

- i. A copy of this Conflict of Interest Disclosure Policy shall be provided to new employees within 3 workdays after the date they begin employment with TCDD, and to new Council members within 3 business days after his or her appointment as a Council member. Members shall also be provided a copy of Texas Government Code Section 2113.014, and Texas Government Code Section 572.051 and 572.058 at the time of appointment and at such time as substantive changes may be made by the Texas Legislature.
- ii. Each Council member or employee shall at all times disclose publicly all conflicts of interest, including those which are uncertain or potential, and shall specify any association with individuals or organizations which might benefit from activities and decisions of the Council.
- iii. Each member and employee shall annually submit a conflict of interest statement in a form specified by the Executive Committee.

G. Determination of Conflicts

The Executive Committee shall determine whether or not a conflict of interest exists after reviewing all documentation submitted by a member or employee. The findings and determinations of the Executive Committee are final.

TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES
COUNCIL MEMBER DISCLOSURE STATEMENT REGARDING
POSSIBLE CONFLICT OF INTEREST

The purpose of this Conflict of Interest Statement is to protect you, the signer and the Texas Council for Developmental Disabilities from adverse criticism which could result from a business dealing or relationship where a possible known or unknown conflict of interest exists. This questionnaire should reveal conflicts so that prior resolution may avoid any embarrassing situations.

Having received and read the Conflict of Interest policy my answers to the following questions are as follows:

- 1) I represent that I (check one) (___) do OR (___) do not own or hold any form of ownership interest in a company or other business which does business with or has a grant from the Texas Council for Developmental Disabilities.
- 2) I further represent that I (check one) (___) have OR (___) have not accepted any payments, gifts, or entertainment from anyone that either does business with or reasonably could anticipate doing business with the Texas Council for Developmental Disabilities.
- 3) I further represent that I (including any member of my family) (check one) (___) do OR (___) do not have a relationship with any persons or firms which: (A) do business directly or indirectly with the Texas Council for Developmental Disabilities or (B) may benefit from activities and decisions of the Council.
- 4) Please disclose on the reverse side all organizations in which you serve in a board or directorship position.

If you answer "I do" or "I have" to any of the above numbered questions, please explain in full on the reverse side of this page by referencing that number.

It is understood that my answers include such relationships which I have directly or which might benefit me directly. For example, if my husband or wife is employed by a business with interests in TCDD activities, I will be expected to reveal that fact in my answer.

My signature below is an acknowledgment that, in my opinion, no conflict of interest exists between myself and the Texas Council for Developmental Disabilities except as I have indicated on the reverse side. I have also indicated on the reverse side any organizations or associations with which I am involved which may in the future create a conflict of interest and the nature of such involvements.

I certify that the information given is true, to the best of my knowledge and belief, and that I will promptly report any future change in my situation which might produce conflict of interest.

Name (Print)

Address

Signature

Date

Please return to the Chair in a personal and confidential envelope.

**TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES
TCDD STAFF DISCLOSURE STATEMENT REGARDING
POSSIBLE CONFLICT OF INTEREST**

The purpose of this Conflict of Interest Statement is to protect you, the signer and the Texas Council for Developmental Disabilities from adverse criticism which could result from a business dealing or relationship where a possible known or unknown conflict of interest exists. This questionnaire should reveal conflicts so that prior resolution may avoid any embarrassing situations.

Having received and read the Conflict of Interest policy my answers to the following questions are as follows:

- 1) I represent that I (check one) (___) do OR (___) do not own or hold any form of ownership interest in a company or other business which does business with or has a grant from the Texas Council for Developmental Disabilities.
- 2) I further represent that I (check one) (___) have OR (___) have not accepted any payments, gifts, or entertainment from anyone that either does business with or reasonably could anticipate doing business with the Texas Council for Developmental Disabilities.
- 3) I further represent that I (including any member of my family) (check one) (___) do OR (___) do not have a relationship with any persons or firms which: (A) do business directly or indirectly with the Texas Council for Developmental Disabilities; or (B) may benefit from activities and decisions of the Council.
- 4) Please disclose on the reverse side all organizations in which you serve in a board or directorship position.

If you answer "I do" or "I have" to any of the above numbered questions, please explain in full on the reverse side of this page by referencing that number.

It is understood that my answers include such relationships which I have directly or which might benefit me directly. For example, if my husband or wife is employed by a business with interests in TCDD activities, I will be expected to reveal that fact in my answer.

My signature below is an acknowledgment that, in my opinion, no conflict of interest exists between myself and the Texas Council for Developmental Disabilities except as I have indicated on the reverse side. I have also indicated on the reverse side any organizations or associations with which I am involved which may in the future create a conflict of interest and the nature of such involvements.

I certify that the information given is true, to the best of my knowledge and belief, and that I will promptly report any future change in my situation which might produce conflict of interest.

Name (Print)

Address

Date

Signature

Please return to the Executive Director in a personal and confidential envelope.