



## Washington State Developmental Disabilities Council

### Governance Committee

Date: December 20, 2019  
Time: 11:00am to 1:00pm  
Zoom Meeting: <https://zoom.us/j/643205352>  
1 (720) 707-2699  
Meeting ID: 643 205 352

### Proposed Agenda

Members: Filiberto Ontiveros (chair), Sharma Baez, Maggie Craughan, Anthony Nash, Donna Tiffan, Sherrie Brown, Shannon Manion, Michelle Hoffman, Katie Mirkovich

Staff: Ed Holen, Aundreaaha Martinez, Emily Rogers, Brian Dahl

11:00	Call to order	
	Roll call to determine quorum	
11:05	Approval of Minutes	Item 1
11:10	Finalize Committee Job Description	Item 2
	Discussion and Vote to move to Full Council	

11:30	Executive Director Transition process	
	Update	
11:50	Big Picture work Plan	Item 3
	Update	
12:00	Executive Director Evaluation Job Feedback Form	Item 4
	Discussion	
12:30	Definitions of Terms	
	Workgroup	
	Task Force	
	Ad hoc Committees	
	Sub group	
	Discussion	
12:45	Ethics Policy: Technology and Code of Ethics	Item 5
	Presentation and Discussion	
12:50	Agenda Items for next meeting	
12:50	Next meeting date and time	
1:00	Adjourn	

Item 1



## **Developmental Disabilities Council Governance Minutes**

**Date:** November 7, 2018

**Time:** 11:00 AM to 1:00 PM

**Location:** Zoom Conference Call or DDC Conference room

**Members Present:** Filiberto Ontiveros (chair), Shamra Baez, Julia Bell, Shannon Manion, Ronald San Nicolas, Sue Searles, and Donna Tiffan

**Staff:** Aundreaaha Martinez, Aziz Aladin, Brian Dahl, Ed Holen, Emily Rogers, Linda West

### **Call to Order**

Filiberto called the meeting to order. He welcomed all members and asked everyone to introduce themselves.

### **Adjustments to the Agenda**

No adjustments to the agenda were made.

### **Big Picture Work Plan**

Staff reviewed the Big Picture Work Plan (BPWP) in detail with the group. The Governance Committee is responsible for many things including maintaining and

recommending changes to the Councils governing documents and policies. The BPWP sets out an annual schedule to assist the committee to document and track the work done in these areas. With the upcoming retirement of the Executive Director, the Governance Committee will participate in the process of finding a replacement. Staff included a possible timeline in the BPWP to assist with accomplishing this task. This is only a rough draft and subject to change. A search committee is being formed to take on the majority of the tasks that may impact the way in which the Governance Committee interacts with this process.

One of the other tasks of the Governance Committee concerns leading the executive director evaluation process. This process has not been clear or consistent for the last the several years. As a new executive director takes over, the committee will work to clarify this process and implement in a fair manner.

### **Committee Job Description**

A draft of the job description that had been worked on during earlier committee meetings was reviewed. The committee made more changes and clarifications. Staff will create a new document reflecting the changes and distribute to the committee. In December, the committee will meet again and vote to move the job description to the full Council for approval in January. (See Appendix A)

## **Charter Section on Sub-Organizations**

The committee reviewed the section of the Charter that explains the subgroups of the Council. The definitions of each of these entities was not clear. After some discussion, it was determined that the staff will do some research and try to get clear definitions of each of the subgroups of the Council so the committee can make appropriate recommendations to change the Charter.

Over the last several years, an “Executive Committee” was added to the Charter. In practice, having an Executive Committee was often problematic. Several committee members are still interested in maintaining an Executive Committee with changes to make it more effective. In future meetings, using clearer definitions of the Council sub-groups and the all the approved Committee job descriptions, the Governance Committee will further refine the design and implementation of an Executive Committee. (See appendix B)

### **To do list: November**

Add executive evaluation and changes to BPWP

Find dates to meet in December to review:

- Job description,
- Charter changes and
- Executive Director transition

- Collect definitions of:
  - Workgroups
  - Ad hoc
  - Sub-groups

**Adjourn**

# Appendix A

## Governance Standing Committee shall:

1. Oversee, on at least an annual basis, a self-assessment by the Council of its performance, to include selection/development of the self-assessment tool, review of the information collected through that self-assessment, and presentation of recommendations to the full Council for improvement, as appropriate;
2. ~~Make recommendations to the Council regarding development, revision, or elimination of governance policies.~~
3. ~~When requested by the Council Chair or full Council or otherwise deemed necessary,~~ Be responsible for reviewing, review the Council's governing documents and policies as necessary, including but not limited to the Council Charter, Governance Committee job description, written parliamentary procedures, rules for meetings and the Council member Code of Ethics, and make recommendations to the full Council for any appropriate changes/additions/elimination;.
4. Work with the Council Chair to assure that the required annual review of the Council's Executive Director is conducted, to include review/revision of the Executive Director Evaluation Criteria and Process and presentation of proposed changes to the full Council for approval;
5. Coordinate with the Council Chair to select Council member(s) to perform a direct inspection should the Council decide to review

Executive Director's compliance with fiscal or budget policy established by the Council;

6. Perform responsibilities related to nominating a Council Chair as outlined in the Charter;
7. Work with the Council Chair to maintain communication among workgroup and committee chairpersons;
8. Identify issues to be presented to the full Council and provide ongoing input to the Council Chair on items related to governance to be included in the agenda for full Council meetings.

Item 2



**Draft: December 12, 2019**

**Governance Standing Committee shall:**

1. Oversee, on at least an annual basis, a self-assessment by the Council of its performance, to include selection/development of the self-assessment tool, review of the information collected through that self-assessment, and presentation of recommendations to the full Council for improvement, as appropriate;
2. Be responsible for reviewing, the Council's governing documents and policies as necessary, including but not limited to the Council Charter, Governance Committee job description, written parliamentary procedures, rules for meetings and the Council member Code of Ethics, and make recommendations to the full Council for any appropriate changes.
3. Work with the Council Chair to assure that the required annual review of the Council's Executive Director is conducted, to include review/revision of the Executive Director Evaluation Criteria and Process and presentation of proposed changes to the full Council for approval;
4. Coordinate with the Council Chair to select Council member(s) to perform a direct inspection should the Council decide to review Executive Director's compliance with fiscal or budget policy established by the Council;

5. Perform responsibilities related to nominating a Council Chair as outlined in the Charter;
6. Work with the Council Chair to maintain communication among workgroup and committee chairpersons;
7. Identify issues to be presented to the full Council and provide ongoing input to the Council Chair on items related to governance to be included in the agenda for full Council meetings.

Executive Committee asked that the following be added to the job description:

Review all conflict of interest concerns related to Policy 401 and review all Code of Conduct violations or other formal complaints involving alleged violations of the DD Act, Council Charter and procedures by Council members.

Item 3



**Reading 18-G-14 Governance Committee**  
**Annual "Big Picture" Work Plan**  
**2019**

Activity	January 2019	April 2019	July 2019	October 2019
<b>Charter Review</b>	Review suggested updates and changes to the Charter and make others. Vote to approve and send to full Council in April.		Review suggested updates and changes to the Charter and make others. Vote to approve and send to full Council in October.	
<b>Executive Director Evaluation</b>	No activity	No Action	New Executive Director begins. Determine process and time line for initial evaluation and annual ongoing plan	Activity dependent on the results of the July Executive Director evaluation discussion.
<b>Executive Order/Assurances/MOU</b>	No Action	No Action	Review portion of the State Plan dealing with the Executive Order, MOU and Assurances	Final review if needed before included in PPR
<b>State Plan Amendments /Updates</b>	Review relevant portions of the State Plan and forward suggested changes to the State Plan Committee, if any	No Action	Review relevant changes, if any, made by the State Plan Committee prior to submitting August 15	Review any suggested changes forwarded from the State Plan Committee, if any

# READING 18-G-14

Activity	January 2019	April 2019	July 2019	October 2019
<b>Council Policies</b> Governance reviews operational policies; Public Policy reviews external Public Policies	Overview of Policies to be reviewed by Committee-Two policies selected for review in April	Two policies reviewed and changes made (if necessary) forward to full council or assigned to staff for more work  Two more policies selected	Two policies reviewed and changes made (if necessary) forward to full council or assigned to staff for more work  Two more policies selected	Two policies reviewed and changes made (if necessary) forward to full council or assigned to staff for more work  Two more policies selected
<b>Topics of Interest</b>	Discussion of topics needing or desired to be addressed in this Committee. Include in update of the BPWP	TBD	TBD	TBD
<b>Executive Director Recruitment</b>	<b>Based on the work from the Nov 2018 Council meeting:</b> Review and approve job description  Approve recruitment materials, timelines, and strategies  Approve answers to key questions:  Salary parameters	Begin review process of candidates from the recruitment process begun in February  Meet Finalists at April Council meeting  May 15- New Executive Director is selected	June 15- Onboarding/orientation activities for new Executive Director	First Council meeting for new Executive Director

# READING 18-G-14

## **Executive Order**

The Executive Order is the document from the Governor that establishes the Council within State Government. It is periodically updated as needed. Copies of the the original and current Executive Orders are in the State Plan Work Book.

## **Memorandum of Understanding (MOU)**

The Memorandum of Understanding (MOU) is the document that details the relationship between the Council and the Department of Commerce. The Department of Commerce is our Designated State Agency and provides essential services for the operation of the Council.

### **Assurances**

The Assurances is the document that commits the state to reasonable financial participation in the Council achieving the goals of the State Plan. It is Included in the annual reporting and the State Plan.

## **Executive Director Evaluation**

The Council has a whole provides a performance review for the Executive Director annually. This process is determined by the Committee and led by the Council Chair.

## **Charter**

The Council Charter is the document that provides structure for the Council. It details the requirements of all Council operations including conflict of interest, member participation, sub group structures and the Executive Director evaluation.

## **State Plan or Five-Year Plan**

The State Plan details the work of the Council. All things the Council does have to pertain to the goals of the State Plan. The Public Policy Committee monitors some of the objectives under the Systems Advocacy goal and recommends changes. The current State Plan covers federal fiscal years 2017-2021 (October 1, 2016 to September 30, 2021).

## READING 18-G-14

State Plan Update: The State Plan is updated twice annually. Changes recommended by the Public Policy Committee to the objectives, activities and performance measures are included in the update. Updates are submitted to the federal Administration on Community Living. (ACL).

State Plan Amendments: State Plan amendments only happen when the goals of the State Plan are substantially changed. Changes are made by the Full Council and subject to a public comment period. The amendments are then submitted to the ACL for approval.

Review of the objectives assigned to the Public Policy is built into the BPWP.

### **Council Policies**

The Council has two types of policies:

- 1) Public Policies, and
- 2) Operational Policies

The Public Policy Committee is responsible for reviewing and updating existing public policies for approval by the Full Council. The Committee may also create new policies to address emerging issues. Review of existing policies is built into the BPWP. Emerging issues will be addressed and added to the BPWP on an as needed basis.

### **Topics of Interest:**

At each meeting, the Public Policy will determine topics to be addressed at upcoming meetings. This may involve having staff arrange for speakers or other information to be reviewed. It is tracked on the BPWP.

Item 4



**Executive Director  
Job Evaluation Feedback**

**1) How has the Executive Director managed:**

The development of the new State Plan Planning Process?

Very Good    Good    Fair    Poor    Not Observed    Not Enough Information

The overall operation of the Council?

Very Good    Good    Fair    Poor    Not Observed    Not Enough Information

The budget?

Very Good    Good    Fair    Poor    Not Observed    Not Enough Information

Staff resources?

Very Good    Good    Fair    Poor    Not Observed    Not Enough Information

The administration of the DD Endowment Trust Fund?

Very Good    Good    Fair    Poor    Not Observed    Not Enough Information

**2) How well did he work with:**

Legislators and others in the legislative arena?

Very Good    Good    Fair    Poor    Not Observed    Not Enough Information

The media?

Very Good    Good    Fair    Poor    Not Observed    Not Enough Information

Other leaders in the DD movement?

Very Good    Good    Fair    Poor    Not Observed    Not Enough Information



**8) Do you find staff responsive and helpful?**

Yes

No

Not sure

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you would like to discuss this further, please write your name in the space provided: \_\_\_\_\_



## Executive Director Job Description Performance Criteria and Measures

Criteria 1. Assure the research, development, and drafting of the Council's State Plan and its annual amendments for Council approval.

Measured by:

- Providing staff support and technical assistance to Council and its Committees;
- Providing research and analysis of the areas of the Comprehensive Analysis and issues under consideration by the Council; and
- Informing Council members about pending deadlines and potential impacts of the decisions they are considering.

Criteria 2. Oversee the implementation of the State Plan performance measures.

Measured by:

- Contracting with outside agencies and/or supervising staff to implement activities to accomplish outcome measures and performance targets;
- Assuring the timely intervention when contract compliance issues are discovered;
- Assuring that annual program performance report accurately reflects the activities of the Council;
- Reporting to Council and its Committees on State Plan implementation progress, including but not limited to awarding of contracts; and
- Operating within the plan activity budget approved by the Council.

Criteria 3. Seek necessary clarification from the Council when delegations to the Executive Director are unclear.

Criteria 4. Direct the overall management of the Council.

Measured by:

- Providing the necessary accommodations to give Council members the opportunity to participate fully in Council and related activities;
- Assuring the adequate number, qualification, and supervision of staff, working as a team, to support and provide technical assistance to the Council, its committees, workgroups and other ad hoc committees it establishes;
- Work to assure the Designated State Agency is undertaking its proper responsibilities, including the review of financial reports to the federal funding agency; and
- Maintaining a sufficient number of task forces, coalitions, associations, advisory groups and/or advisors to assist in management responsibilities.

Criteria 5. Represent the Council.

Measured by:

- Speaking on behalf of the Council within the parameters set forth in the policies approved by the Council;
- Developing communication with those in the media;
- Delegating staff or Council members to represent or speak on behalf of the Council;
- Monitoring and providing information to public policy makers on issues that impact people with developmental disabilities and their families;
- Supporting the Council Chair in her/his capacity as liaison between the Council and the Governor and other state, federal or local officials as the Council may determine; and
- Providing information and/or technical assistance to Council officers, Committee Chairs, and Workgroup Chairs as may be required or requested.

Criteria 6. Monitor and collaborate with state and local agencies that provide funding or services for people with developmental disabilities.

Measured by:

- Meeting, on a regular basis, with representatives from agencies;
- Reviewing draft proposed revisions to Administrative regulations or policies; and

- Participating in pertinent workgroups, task forces, advisory committees or stakeholder activities.

Criteria 7. Make specified reports to the Council.

Measured by:

- Providing progress reports on staff activities;
- Providing updates on Council budget and contractor activities;
- Providing updates on Legislative and public policy matters;
- Providing updates on the big picture work plan and progress in the State Plan Implementation; and
- Providing information on emerging issues; and/or other items as determined by the Council.

Criteria 8. Represent the Council in forming partnerships and assuming leadership, when appropriate, with other federal, state and/or local agencies, organizations, coalitions, associations, and other such groups to further the agenda of the Council's State Plan and decline involvement in those that do not.

Measured by:

- Participating in pertinent coalitions, workgroups and task forces; and
- Assuming leadership roles as appropriate or necessary

In all tasks, assure that:

- Council budget is not overspent unless approved by the Council,
- The opinions that are expressed are consistent with those adopted by the Council,
- Advocacy activities are consistent with positions adopted by the Council.
- That all contracts meet the minimum criteria for meeting project outcomes as determined by the Council,

- Deadlines , as established by the Council or federal/state agencies are met,
- Are responsive to Council members to assure full and active participation on Council meetings or related activities.
- That policy-setting role of the Council is not assumed by staff,
- State laws, rules or regulations in the management of the Council are not violated, and
- The delegation from the Council to the Executive Director is not violated.

Item 5



## Enabling Technology and Code of Ethics

Second Draft: December 4, 2019

By: Ed Holen

Values we live by:

People with intellectual/developmental disabilities are afforded all rights and a disability is a natural part of human life and does not limit a person's rights (federal Developmental Disabilities Act).

In the Proclamation for the Dignity and Rights of All Human Beings, Allies in Advocacy (a group committed to advancing the equality, dignity and human rights of all persons) says in part:

We Believe and Affirm that everyone has the freedom to lead a meaningful life in which:

We have the right to fail. Risk is acceptable, even if we are not successful. The quality of a choice does not determine one's value as a person

Power resides within each of us. The right of people to decide for themselves is respected, celebrated and supported

We are the primary drivers of our life choices and decisions

We have the right to technology, including assistive technology, which increases our personal power through access to information, and gives us the ability to more fully, productively, and effectively interact with the world

We reject the notion that people are on a predetermined path. We have the right to equally access an education that prepares us each to enter the working world and participate fully in our community

[Access to the complete Proclamation is at [www.alliesinadvocacy.com](http://www.alliesinadvocacy.com) ]

Therefore, regarding the use of enabling (assistive) technology by people with intellectual/developmental disabilities:

- People have rights, including the right to live meaningful lives at each stage of life.
- The person is placed above the technology.
- People with disabilities, like everyone, have the expectation of privacy.
- It is the person him or herself who says how far they want to limit their own rights.
- Use of technology is based on the benefit to the person not to the benefit of the care/support provider or others.
- Technology can open new doors for people; can support the person to live more independently, and afford people greater freedom and satisfaction.
- Good information about technology leads to good choices about it.
- Risk is appropriate but exploitation is not.
- Good information and mentoring will assist and support privacy and avoidance of exploitation and abuse.
- Users of technology shall expect providers to operate according to an ethical code of conduct when using technology.
- Access to purchasing, training, and education about devices, apps, and other technology need to be readable available to people with intellectual/developmental disabilities.