

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

PROCLAMATION

EO 15-19

TO ALL TO WHOM THESE PRESENTS COME -- GREETINGS:

**AN EXECUTIVE ORDER ON THE GOVERNOR'S DEVELOPMENTAL
DISABILITIES COUNCIL**

WHEREAS: The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (P.L. 106-402) (the "Act") requires each state that receives assistance under the Act to establish and maintain a council to undertake advocacy, capacity building, and systemic change activities that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of the Act; and

WHEREAS: The Arkansas Governor's Developmental Disabilities Planning Council was founded in 1972 and is now known as the Governor's Developmental Disabilities Council ("Council"); and

WHEREAS: The Administration on Intellectual and Developmental Disabilities ("AIDD") and the Administration for Community Living Office of Grants Management ("OGM") have recently classified the Council as high risk due to a "history of poor performance" and placed special terms and conditions on the Fiscal Year 2013, 2014, and 2015 grant awards issued in the years 2012-2014 and authorized under Subtitle B of the Act; and

WHEREAS: The decision to classify the Council as high risk was based on a determination that the Council has ongoing, systemic compliance issues and other problems in programmatic and fiscal operations including but not limited to: governance, fiscal management, use of federal dollars, state plan implementation, and unqualified members serving on the Council; and

WHEREAS: In order to address the Council's history of poor performance and the compliance issues identified by AIDD and OGM, certain corrective action is necessary.

NOW, THEREFORE, I, ASA HUTCHINSON, acting under the authority vested in me as Governor of the State of Arkansas, do hereby order the following:

1. There is hereby reaffirmed the Governor's Council on Developmental Disabilities.
2. Pursuant to the Act, the Council shall undertake the planning, advocacy, capacity building, and systemic change activities with regard to persons with developmental disabilities and their families.
3. The Council shall consist of twenty-three (23) members, and the membership shall be consistent with the Act as follows:
 - a. At least sixty percent (60%) of the Council shall:
 - i. Be either:
 1. Persons with developmental disabilities;
 2. Parents or guardians of children with developmental disabilities; or
 3. Immediate relatives or guardians of adults with mentally impairing or cognitive developmental disabilities who cannot advocate for themselves.

- ii. Not be:
 1. Employees of a state agency that receives funds or provides services for persons with developmental disabilities; or
 2. Managing employees, as defined in section 1126(b) of the Social Security Act, of any other entity that receives funds or provides services for persons with developmental disabilities.
 - b. The remaining forty percent (40%) of the Council shall consist of at least one representative from the following entities:
 - i. The principal state agencies that administer monies provided under:
 1. The federal Rehabilitation Act of 1973;
 2. The Older Americans Act of 1965;
 3. The Individuals with Disabilities Education Act;
 4. Title XIX of the Social Security Act; and
 5. Title V of the Social Security Act.
 - ii. Each university center of excellence in developmental disabilities;
 - iii. The state's protection and advocacy system for persons with developmental disabilities;
 - iv. A local agency concerned with services for persons with developmental disabilities; and
 - v. A private, non-profit nongovernmental agency concerned with services for persons with developmental disabilities.
4. Regarding the Council membership referenced in section 3(a) hereinabove:
 - a. At least one-third shall be individuals with developmental disabilities;
 - b. At least one-third shall be parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with mentally impairing or cognitive developmental disabilities who cannot advocate for themselves;
 - c. The remaining one-third shall be a combination of the individuals described in section 3(a) hereinabove; and
 - d. At least one member shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution, or shall be an individual with a developmental disability who resides or previously resided in an institution.
5. Members of the Council, except for the members representing the principal state agencies as set forth in section 3(b)(i) herein, shall:
 - a. Be appointed by the Governor from among the residents of Arkansas;
 - b. Serve at the pleasure of the Governor, who may remove members at will;
 - c. Serve staggered five (5) year terms, which each member may serve no more than two full consecutive terms; and
 - d. Be geographically representative of the state.
6. The Council members representing the principal state agencies, as set forth in section 3(b)(i) herein, shall be appointed by the Governor without a term expiration date and shall serve at the pleasure of the Governor.
7. The Chairperson and Vice-Chairperson of the Council shall be designated by the Governor from among the Council's appointed membership.
8. The Council shall undertake and perform the responsibilities and duties as required by and pursuant to the provisions of the Act.
9. The Council shall adopt bylaws for the orderly conduct of its business consistent with federal law and this Executive Order.

10. No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest. In accordance with section 125(b)(4)(B) of the Act, a member of the Council shall recuse himself or herself from any discussion of grants or contracts for which the member's department, agency, or program is a grantee, contractor, or applicant.
11. The Department of Finance and Administration shall be the designated state agency to provide administration and technical support to the Council.

This Executive Order shall become effective upon its signing, and shall remain in full force and effect until amended or rescinded by further executive orders. All previous Executive Orders are hereby rescinded to the extent they conflict with the provisions herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on the 30th day of July, in the year of our Lord 2015.



Asa Hutchinson, Governor



Attest:



Mark Martin, Secretary Of State