MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
AND
THE CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY

1. BACKGROUND AND PURPOSE

The California State Council on Developmental Disabilities (hereafter referred to as the COUNCIL) is established consistent with the federal Developmental Disabilities Assistance and Bill of Rights Act as amended (PL 106-402, hereafter referred to as the DD Act), and by the California Lanterman Act (W&I Code Sec. 4520 et seq.). Consistent with the DD Act, the Legislature has designated the California Health and Human Services Agency (hereafter referred to as AGENCY) as the designated state agency to provide fiscal, administrative and other support services to the Council as authorized by the DD Act [Sec.125 (d)][1]. Pursuant to Section 125(d)(3)(G), the purpose of this memorandum, requested by the Council, is to clarify the respective roles and responsibilities of the designated state agency and the Council as authorized by the DD Act and the California Lanterman Act. [See Sec. 125(d)(3)(G); W&I Code Sec. 4520 et seq.].

1.1 The State Council on Developmental Disabilities

The Council is established pursuant to federal law to engage in 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 to individuals with disabilities. [Sec. 125(a)]

1.2 The Designated State Agency: California Health and Human Services Agency

The designated state agency has the responsibility of providing fiscal, administrative and other support services to the Council. The California Health and Human Services Agency, or its designee, is the designated state agency and adheres to the criteria in the DD Act that such agency shall not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State Plan development or plan implementation of the Council. [Sec.124(c)(5)(L)]

As permitted by federal law, contributions by the designated state agency to provide support services to the Council may be counted as part of the State of California's non-Federal share of the cost of projects supported by the DD Act. [Sec. 126(c)(2)(B)].

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[1] All statutory references, unless otherwise noted, are to the Public Law 106-402 (42 USC 15001 et seq.).

2. PERFORMANCE OF RESPONSIBILITIES

AGENCY may delegate one or more of its responsibilities to a department it oversees, provided AGENCY retains authority over, and responsibility for, the department's activities in carrying out the delegated responsibility or responsibilities.

The Council may use or contract with agencies other than the California Health and Human Services Agency to perform the functions of AGENCY provided there is agreement between the Council and AGENCY. [Sec. 125(d)(4)(B)]

3. STATEMENT OF AGREEMENT

3.1 GENERAL RESPONSIBILITIES

3.11 The State Council on Developmental Disabilities

A. Advocacy, Capacity Building and Systemic Change Activities
The Council is the State of California entity responsible for carrying out all responsibilities specified in PL 106-402, and shall conduct or support programs, projects, and activities that carry out the purpose of the DD Act, including advocacy, capacity building and systemic change activities. [Sec.125(c)(2)]

B. State Plan Development, Implementation and Monitoring

The Council shall submit to the Secretary of U.S. Health and Human Services the State Plan required under the DD Act. The Council is responsible for development, implementation, and monitoring of the State Plan. [Sec.125(c)(3) and (4)]

C. Reports

The Council shall develop and submit to the Secretary of the U.S. Department of Health and Human Services all required reports on Council activities. [Sec.125(c)(7)]

D. Review of Designated State Agency

As required by the DD Act, the Council shall periodically review the designated state agency with respect to the activities carried out under the DD Act and make any recommendations for change to the Governor. [Sec.125(c)(6)]

E. Timeliness

The Council shall perform all responsibilities in a timely manner that meets the requirements of the Administration on Intellectual and Developmental Disabilities and/or the DSA.

3.12 The Designated State Agency: California Health and Human Services Agency

A. Support Services

AGENCY as the designated state agency, is responsible, directly or through its departments, for providing required assurances, fiscal, administrative and other support services as requested by and negotiated with the Council pursuant to Sections 125 (d)(1) and 125(d)(3)(A) of the DD Act.

B. Records, Access and Financial Reports

AGENCY shall ensure that access to records and such records are kept as the Administration on Intellectual and Developmental Disabilities and the Council determine necessary, and shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, liquidation, and the Federal and non-Federal share pursuant to the DD Act. [Sec.125 (d)(3)(D)]

E. Assurances

AGENCY shall assist the Council in obtaining the assurances required by the DD Act and in ensuring that the Council's fiscal and administrative processes are conducted in a manner consistent with state law. [Sec.125 (d)(3)(F)]

AGENCY shall assist in ensuring that the State Plan is consistent with State Law. [Sec. 125(d)(3)(F).]

F. Timeliness

AGENCY will provide services pursuant to this memorandum and respond to requests in a timely manner.

3.2 BUDGET, FISCAL, ACCOUNTING, AND CONTRACT ADMINISTRATION

3.21 The State Council on Developmental Disabilities

A. The Council shall prepare, approve, and implement a budget using amounts paid to the State of California under the DD Act to fund and implement all programs, projects, and activities. The Council will develop and forward budget information on State of California budget forms for inclusion in the State of California budget process. [Sec.125(c)(8)]

B. The Council shall direct the expenditure of funds for grants, contracts, interagency agreements, and other activities consistent with federal and State administrative procedures. [Sec.125(c)(8)(C)]

C. The Council shall conduct all contract preparation, oversee processing of Council contracts and maintain a tracking system for all Council contract information, consistent with requirements of the State of California contracting rules.

D. The Council shall complete supporting documentation for, track and approve all invoices and reimbursement requests for Council funds.

E. The Council shall develop and submit all Council budgetary requests in accordance with State of California procedures.

F. The Council shall submit all necessary budget, fiscal, accounting and contract documents in accordance with State of California procedures.

G. The Council shall facilitate the payment of funds to the State of California under the DD Act for functions of AGENCY on behalf of the Council, but not to exceed $50,000 per fiscal year. [Sec. 124(c)(5)(B)(vi)]

3.22 The Designated State Agency: California Health and Human Services Agency

A. AGENCY shall route to the Council any communications and information concerning fiscal and contract issues relating to the Council.

B. AGENCY shall assist the Council by processing fiscal, contract and reimbursement transactions as requested by the Council and in accordance with state and federal law.

E. AGENCY shall track or ensure tracking of matching funds on Council-approved reimbursement requests for federal reports.

F. AGENCY shall process or ensure processing of the federal draw, receive, account for, and disperse funds on behalf of the Council. [Sec. 125(d)(3)(C)(i)]

G. AGENCY shall provide or assist the Council in securing the non-federal share of the cost of projects as required by federal law.

H. AGENCY shall prepare or ensure the preparation of the federal ADD-02B expenditure report for the Council's review and approval.

I. AGENCY shall provide or ensure the provision of such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State of California under the DD Act [Sec.125(d)(3)(C)(ii)].

J. AGENCY shall provide or ensure provision of cost centers, accounts, encumbrances and reports on costs and other support documentation for Council budget preparation and for other Council fiscal management needs.

K. AGENCY shall provide contract, reimbursement and accounting services in a timely manner.

3.3 PERSONNEL ADMINISTRATION

3.31 The State Council on Developmental Disabilities

A. The Council shall develop its personnel requests consistent with California Department of Human Resources, State Personnel Board and State of California merit system laws, regulations and procedures. Council recruitment and hiring of staff shall be consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be consistent with State of California law and personnel policies.

B. The Council is responsible, consistent with State of California government employment laws, for recruiting and hiring an Executive Director of the Council, and supervising and annually evaluating the Executive Director.

C. The Council Executive Director is responsible for developing personnel requests for Council staff positions, hiring, supervising, and annually evaluating the staff of the Council in accordance with State of California civil service and merit system rules [Sec.125(c)(9)].

D. The Council staff are responsible for assisting the Council in carrying out its duties under the DD Act and shall not be assigned other duties by AGENCY or any other State of California agency or office unless pursuant to an agreement or other authorization approved by the Council and consistent with the DD Act and applicable law. [Sec.125(c)(10)]

E. The Council shall complete all personnel functions in a timely manner.

3.32 The Designated State Agency: California Health and Human Services Agency

A. AGENCY shall route communications and information concerning State personnel issues relating to the Council.

B. AGENCY shall assist the Council by processing personnel transactions in accordance with State of California civil service, merit system, and other government employment rules and procedures.

C. AGENCY shall ensure that records regarding Council personnel, insurance information, benefits tracking, and longevity are maintained.

D. AGENCY shall perform payroll functions for the Council, processing payroll deductions and transactions, consistent with state and federal requirements.

E. AGENCY shall complete all personnel functions in a timely manner.

3.4 GENERAL ADMINISTRATIVE SUPPORT

3.41 The State Council on Developmental Disabilities

A. The Council shall follow State of California policies and procedures for purchase of supplies and equipment.

B. The Council shall approve and submit Council travel reimbursement requests.

C. The Council shall determine its acquisitions or other purchases according to its needs.

D. The Council shall determine its information technology services and support according to its needs.

E. The Council shall request data and/or other information as needed to complete the State Plan and state and federal reports or carry out its work.

F. The Council shall complete all general administrative functions in a timely manner.

3.42 The Designated State Agency: California Health and Human Services Agency

A. AGENCY shall route communications and information relating to the Council concerning State of California purchasing procedures or issues to the Council.

B. AGENCY shall process requests for purchase of equipment and supplies deemed necessary by the Council for the operation of its office.

C. AGENCY shall process travel authorizations and reimbursement requests for the Council, as necessary.

D. AGENCY shall provide or ensure the provision of data requests and information requests necessary for the Council to carry out its work.

E. AGENCY shall complete all general administrative functions in a timely manner.

4. COUNCIL AUTHORITY

Nothing in this Memorandum of Understanding limits the Council's authority to engage in activities funded using moneys other than those amounts paid to the State of California under the DD Act provided such activities are consistent with applicable federal and state law.

5. TERMINATION OR AMENDMENT OF THE MEMORANDUM OF UNDERSTANDING

This memorandum shall become effective upon the signature of all parties and may be modified or terminated with a thirty-day notice and with written agreement by all parties.

Date 6/5/15

Aaron Carruthers
Executive Director (A)
State Council on Developmental Disabilities

Date 6/9/15

April Lopez
Chairperson
State Council on Developmental Disabilities

Date 6/1/15

Michael Wilkening
Undersecretary
California Health and Human Services Agency