

**Memorandum of Understanding
Between
Utah Governor's Council for People with Disabilities
And the
Department of Human Services**

I. PURPOSE

The purpose of this Memorandum of Understanding is to formalize the working relationship between the Utah Governor's Council for People with Disabilities, hereafter referred to as GCPD and the Department of Human Services, hereafter referred to as the designated state agency (DSA), and to outline the respective roles and responsibilities in implementing the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 2000, P.L. 106-402, hereafter referred to as the DD Act [See 125 (d)(1)].

II. BACKGROUND

The GCPD is established pursuant to the DD Act. Consistent with the DD Act, the Governor of Utah has designated the Department of Human Services to provide support to the GCPD as authorized by the DD Act. The purpose of this memorandum is to clarify and define the roles and responsibilities of the GCPD and the Department of Human Services. The GCPD is established as a distinct and separate program within the Department of Human Services in accordance with the DD Act [See 125 (d)(1)].

1. Governor's Council for People with Disabilities

The GCPD is established to promote, through systemic change, capacity building and advocacy activities, the development of a consumer and family-centered comprehensive system and a coordinated array of culturally competent services, supports, and other assistance designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities [See 125 (a)].

2. Department of Human Services

The Governor may designate a state agency to provide support to the GCPD on behalf of the state. The Department of Human Services is the designated state agency and adheres to the criteria outlines in the DD Act and shall not unduly interfere with the budget, personnel, priorities, or other action of the GCPD and the ability of the GCPD to serve as an advocate for individuals with developmental disabilities [See 125 (a)(c)(d)]. If the Department has reason to believe the GCPD has acted improperly concerning budget, personnel, or policy matters, the Department has the authority to investigate the alleged improprieties.

III. STATEMENT OF AGREEMENT

1. GENERAL ROLES AND RESPONSIBILITIES

A. Governor's Council for People with Disabilities

1. **Systemic Change, Capacity Building and Advocacy Activities** - The GCPD is responsible for serving as a systems change advocate for individuals with developmental disabilities and conducting programs, projects, and activities designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities [Sec. 12 (c) (i-ii)].
2. **State Plan Development, Implementation--and Monitoring** - The GCPD will carry out all activities specified in DD Act, as amended, relative to the development, implementation, and monitoring of the state plan. The GCPD is responsible for developing and submitting to the Commissioner of the Administration on Developmental Disabilities the State Plan required under the DD Act in consultation with the designated state agency. Such consultation shall be solely for the purposes of obtaining state assurances and ensuring consistency of the plan with State law [Sec. 124 (d)(2) and Sec. 125 (c)(5)].

3. **Review of Designated State Agency** - The GCPD is responsible for periodically reviewing the designated State agency with respect to the activities carried out under the DD Act and making recommendations for change to the Governor [Sec. 125 (c)(6)].
4. **Reports** - The GCPD is responsible for submitting periodic reports on its activities carried out under the DD Act and maintaining such records to verify such reports. [Sec 125 (c)(7)].

B. Designated State Agency

1. **Support Services** ~ The Department of Human Services, as the designated state agency, is responsible for providing required assurances and support services as requested by and negotiated with the GCPD [Sec 125 (d)(3)(b)].
2. **Records, Access and Financial Reports** - The Department of Human Services is responsible for keeping such records and affording access thereto as the Commissioner of the Administration on Developmental Disabilities and the GCPD determine necessary, and for providing timely financial reports at the request of the GCPD regarding the status of expenditures, obligations, liquidation, and the Federal and non-Federal share [Sec 125 (d)(3)(D)]. (Assurances are delineated in Appendix 1).
3. **Fiscal Responsibilities** - The Department of Human Services shall receive, account for, and disburse funds based on the State Plan required in Section 124 and provide for 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 under this subtitle [Sec. 125 (d)(3)(C)].
4. **Assurances** - The Department of Human Services is responsible for assisting the GCPD in obtaining the required assurances and in ensuring that the State plan is consistent with State law [Sec. 125 (d)(3)(F)]. (Assurances are delineated in Appendix 1).
5. **Memorandum of Understanding**. The Department of Human Services, on the request of the GCPD, is responsible for entering into a memorandum of understanding with the DD Council delineating the roles and responsibilities of the designated State agency [Sec. 125 (d)(3)(G)].

2. BUDGET DEVELOPMENT AND FISCAL MATTERS

A. The Governor's Council for People with Disabilities (GCPD)

1. The GCPD is responsible for preparing, approving, and implementing a budget using amounts paid to the State under the DD Act to fund and implement all programs, projects, and activities, including hiring and maintaining sufficient numbers and types of staff as the GCPD determines necessary to carry out its functions [Sec. 125 (c)(8)(A-C)].
2. The GCPD is responsible for directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the approved State plan [Sec. 125 (c)(8)(C)].
3. The GCPD is responsible for recruiting and hiring a Director for the GCPD in accordance with State personnel policies and procedures and directives. The GCPD Director shall hire, supervise, and annually evaluate the staff of the GCPD [Sec. 125 (c)(9)].
4. The GCPD will follow State policies and procedures for purchase of supplies and equipment [Sec. 125 (c)(8)1].

B. Designated State Agency

1. The Department of Human Services provides administrative support for executing the fiscal aspects of the GCPD's program and is responsible for receiving, accounting for, and dispensing funds, at the discretion of the GCPD, under the DD Act based on the required State plan [Sec. 125 (d)(3)(C)(i)].
2. The DSA is responsible for ensuring 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 under the DD Act [Sec. 125 (d)(3)(C)(ii)].
3. The DSA is responsible for providing cost centers, accounts, encumbrances and reports on costs and other support documentation for budget preparation and for other fiscal management needs

[Sec. 125 (d)(3)(D)].

4. The DSA is responsible for payroll processing, contract end purchasing service and expenditure reporting, proper accounting and bookkeeping and other fiscal controls, computer and automated services support for computers, hardware, software, printers, etc., facilities management and building operations, telecommunications, purchasing services, and property management provision of assurances, and the provision of administrative support services [Sec 125(d)(1) and **125 (d)(3)(A)] and Sec 125 (d)(3)(B)].**
5. The DSA is responsible for ensuring that expenditures are made in a manner consistent with State law regarding grant and contracts [Sec. 125 d)(3)(C)(ii)].

3. PERSONNEL ADMINISTRATION

A. Governor's Council for People with Disabilities (GCPD)

1. The GCPD is solely responsible for determining the number and classification of staff required to meet its needs, consistent with the DD Act and the State Civil Service Law. Staff recruitment and hiring shall be consistent with Federal and State non-discrimination laws. Dismissal of personnel shall be consistent with State law and personnel policies [Sec 125 (c)(8)(B), (9)].
2. The GCPD, through the Chair and Executive Committee, is solely responsible, consistent with State regulations, for recruiting and hiring a Director of the GCPD, and supervising and evaluating the Director annually [Sec 125 (c) (9)].
3. The Executive Director is responsible for recruiting, hiring, supervising, and annually evaluating the staff of the GCPD in accordance with State personnel policies and procedures [**Sec 125 (c)(9)**].
4. The staff and other personnel, while working for the GCPD, are responsible solely for assisting the GCPD in carrying out its duties under the DD Act and shall not be assigned other duties by the DSA or any other agency or office of the State [Sec. 125 (c)(10)].

B. Designated State Agency

The Department of Human Services is responsible for assuring that the GCPD personnel actions adhere to state personnel policies and procedures.

4. LEGAL ASSISTANCE

A. Governor's Council for People with Disabilities

Grant contracts will be signed by the Executive Director of the GCPD and grantee representative.

B. Department of Human Services

The Department of Human Services will assist the GCPD to obtain legal assistance on such issues as may arise in the administration of the DD program.

IV. AMENDMENT OR TERMINATION 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 by either party or by written agreement by all parties.

Robin Arnold-Williams
Executive Director – Department of Human Services

Date: 05/10/01

Glen Gleaves
Chair – Governor's Council for People with Disabilities

Date: 05/22/02

Alison M. Lozano
Interim Executive Director – Governor's Council for People with Disabilities

Date: 05/23/01