

*Clark County Board of Mental Retardation
and Developmental Disabilities*



**Board
Operations
Manual**

**Growing to
Meet Needs**

Created October 19, 1999

Clark County Board of Developmental Disabilities Distribution of the Board Operations Manual

The following people/offices receive this manual:

Board Members	-each (hard copy)
Management Team/Facility/Staff	-Online Access through Server
Public/Staff	-Online Website Access
Public Review	-(2 hard copies for visual access) File/Original (located in Admin. Office)

Leadership

Clark County Board of Developmental Disabilities 2009 Board Members

<i>Board Position</i>		<i>Appointed by Commissioners</i>	<i>Appointed by Probate Court</i>	<i>Committee Assignments</i>
<i>President</i>	Michael Bartee		✓	<i>Financial</i>
<i>V. Pres.</i>	Lisa Dunn	✓		<i>Financial Program and Operations Personnel</i>
<i>Secretary</i>	Stephen White	✓		<i>Financial Personnel</i>
<i>Member</i>	Jill Acuff		✓	<i>Financial Ethics Program & Operations</i>
<i>Member</i>	Homer Smith	✓		<i>Financial Ethics</i>
<i>Member</i>	Jim Howard	✓		<i>Financial Program and Operations Personnel</i>
<i>Member</i>	Juanita Dennison	✓		<i>Financial Ethics</i>

Management Team Members

Jennifer Rousculp	Superintendent
Mary Brandstetter	Adult Services Director
Michael Halpin	Community Living Services Director
Curt Wright	Residential Services Director
Jennifer Wade	Human Resource Director
R. Ravi Shankar	Comptroller
Diane Eichelberger	Early Childhood Services Director
Robert Bender	Operations Director

(as of July 2009)

Clark County Board of Developmental Disabilities
Board Operations Manual
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Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Authority	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 8/09	CARF Ref:	n/a

(a) Establishing Policies

This Board Policy Manual is adopted by the Clark County Board of Developmental Disabilities (hereinafter referred to as Board) under authority granted it by statutes of the State of Ohio, which enumerate among its duties: "The Board shall adopt rules for the conduct of its business and a record shall be kept of Board proceedings which shall be open for public inspection." (Section 5126.02 of the Ohio Revised Code).

(b) Communication

The President of the Board shall be the spokesperson on all public matters relating to the county board. No other board member shall have authority to speak or act on behalf of the Board without express permission of the Board. The Board shall not be bound in any way by any statement or action on the part of any individual Board member or employee, except when such statement or action is in pursuance of specific instruction by the Board.

The President of the Board may designate the superintendent to speak on the Board's behalf.

The Board thus acts only as a body, at public meetings, in decisions openly arrived at and formally recorded.

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Policy Approved:	Power and Duties	CARF Ref:	
Policy Revised:	11/99, 3/01, 2/02, 3/04, 6/04, 6/05, 8/09		

ORC Section 5126.05 specified the powers and duties of the Board itself. Some of those responsibilities are general in nature and apply to the County Board of Developmental Disabilities as an entity, while others speak more to the Board itself.

General responsibilities of the County Board of DD

- (a) Assess the facility and service needs of county residents with developmental disabilities
- (b) Administer and operate facilities, programs and services
- (c) Plan and set priorities based on available resources
- (d) Develop an Annual Operating Plan (Annual Action Plan)
- (e) Develop a three-year Home & Community Based Waiver Plan (HCBS)
- (f) Monitor and evaluate existing services and facilities
- (g) To the extent that resources are available, the Board is to provide based on their Action Plan:
 - a. Early childhood services
 - b. Supportive home services
 - c. Adult services
- (h) Require individual service plans for eligible individual
- (i) Ensure evaluation of service needs
- (j) Complete the functions of service and support administration (PATH Coordination) as outlined in section 5126.15
- (k) Employ the following personnel:
 - a. Superintendent (responsibility of the Board)
 - b. Business Manager
 - c. Investigative Agent
- (l) Provide Annual reports to:
 - a. Director of Ohio Department of Developmental Disabilities
 - b. Board of County Commissioners

Duties of the Board

- (a) Hire a qualified Superintendent
 - a. Must be certified by the Ohio Department of Developmental Disabilities
 - b. Must contract for a term of at least one year, but not more than five years
- (b) Authorize all positions of employment; establish a table of organization
- (c) Approve all management contracts that exceed one year in length
- (d) Establish the compensation and benefit levels for all positions (County Boards of Developmental Disabilities have the authority to establish a compensation and benefit package)
- (e) Establish Board policy via resolution
- (f) Adopt a budget
 - a. Submit to the Board of County Commissioners for approval
 - b. Commissioners do not have to approve budget as submitted; however, they cannot divert levy dollars for the Board to any other county agency

- (g) Approve all Board expenditures
 - a. Task can be delegated to superintendent, in full or in part
 - b. County Auditor makes payments as authorized by the Board

Duties of the Superintendent

- (a) Administers the work of the Board.
- (b) Recommends policy to the Board
- (c) Employs individuals for all positions approved by the Board
- (d) Approves management contracts up to one year in length
- (e) Approves staff compensation within limits established by the Board
- (f) Authorizes the County Auditor to pay Board obligations

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Annual Action Plan	Application	Administration
Procedure Revised:	11/99, 9/01, 6/04, 8/09	CARF Ref:	n/a

(a) Process

- i. By the July Board meeting, each Department Director shall provide a bi-annual update of the current year action plan.
- ii. Goals/action steps that are to be included will be noted as well as any unaccomplished actions that will need to be carried into the following years plan.
- iii. Changes to the current annual action plan that are anticipated to affect the following year's budget, needs to be communicated to the Comptroller no later than May 15th, in order to match the budget cycle.
- iv. Community survey is sent, via the Paxson Press, to all individuals' families, providers, and community agencies. Board staff will also have an opportunity to complete the survey.
- v. Each Department shall request feedback/input into identifying needs and suggesting goals.
- vi. In October of each year, an open forum will occur requesting feedback on individual's needs, 'wishes', and soliciting suggestions on services. At this time, information on the current Action Plan will also be shared.
- vii. Comments, suggestions, goals and objectives will be incorporated, as appropriate into the Annual Action Plan for the upcoming year. All comments and suggestions will be listed in one section of the plan.
- viii. The updated Annual Action Plan will be complete by no later than the last day of October.
- ix. By no later than the 5th of November a notice shall be posted regarding the date, time, and place of the Public Forum. The notice will include where copies of the plan may be reviewed. Each department will ensure staff in their department have access for input. The Public Forum will occur no earlier than the 5th of December. The notice must occur 30 days before the Public Forum.
- x. The Public Forum shall be tape recorded, and each participant will be asked to sign-in on an attendance sheet.
- xi. The Annual Action Plan may be modified based on comments received.

- xii. The Annual Action Plan will be presented to the Board at the December meeting, but no later than the following January board meeting.

b) Plan Components

- i. Mission and Philosophy
- ii. Rights of Individuals ORC 5123.62
- iii. Public Access
- iv. Table of Organization
- v. Description of Services
- vi. Plan Development (surveys, brainstorming sessions, data review)
- vii. Previous Year's Accomplishments
- viii. Annual Action Plan (for upcoming year)
- ix. Financials
- x. Statistical Data
 - a. Historical Data: Average Daily Membership & Financials
 - b. Quarterly Report (includes Waiting List)
- xi. Other Information

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Legal Structure	Application	Board
Procedure Revised:	11/99, 3/02, 2/02, 1/03, 76/04, 7/04, 6/05, 8/09	CARF Ref:	n/a

The Ohio Revised Code mandates the structure and basic duties of the Board.

(a) Appointments: (5126.029)

There is hereby created in each county a County Board of Developmental Disabilities consisting of seven members. The membership of the Board shall, as nearly as possible, reflect the composition of the county.

i. County Commissioners

- 1) Five shall be appointed by the Board of County Commissioners. At least two shall be relatives of individuals eligible for services provided by the Board and whenever possible, one shall be the relative of an individual eligible for adult services, and the other a relative of a person eligible for Early Intervention or services for pre-school or school age children.

ii. Probate Judge

- 1) Two shall be appointed by the senior probate judge; of the two members appointed by the senior probate judge, at least one shall be a relative of a person eligible for residential services or supported living.

(b) Qualifications: Appointment and Re-appointment: (5126.029)

- i. All persons appointed to the Board shall be persons interested and knowledgeable in the field of mental retardation or other allied fields.
- ii. Each member shall be a resident of Clark County and a U.S. Citizen.
- iii. The individual shall, before appointment or reappointment, provide to the appointing authority a written declaration specifying both of the following:
 - 1) That no circumstance described in ORC 5126.09 or 5126.0210 exists that bars the individual from serving on the Board
 - 2) Whether the individual or the immediate family member of an individual has an ownership interest in or is under contract with an agency contracting with the Board, and, if such an ownership interest or contract exists, the identify of the agency and the nature of the relationship to that agency.
- iv. Upon appointment or re-appointment, the appointing authority shall provide a copy of the declaration to the Superintendent of the Board. The declaration is a public record.

(c) Term (5126.0211 through 5126.0215)

All members shall be appointed or re-appointed not later than the last day of November, commencing their terms on the date of the stated annual organizational meeting the following January.

All appointments shall be for terms of four years. A member who has served during each of three consecutive terms shall not be re-appointed for a subsequent term until two years after he/she ceases to be a member of the Board. A member who has served for ten years or less within three consecutive terms may be re-appointed for a subsequent term before coming ineligible for re-appointment for two years.

Prior to reappointment, the appointing authority will be notified by the Superintendent as to whether the Board member meets the requirements to continue as a Board member. Per 5126.0211, no individual may be appointed or re-appointed to the Board unless the individual has provided a written declaration of eligibility.

The membership of a person appointed, as the relative of a recipient of services shall not be terminated because the services are no longer received.

Within sixty days after a vacancy occurs, it shall be filled by the appointing authority for the unexpired term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

Board members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the conduct of Board business, including expenses that are incurred in the member's county of residence in accordance with the established policy of the county Board..

(d) Persons disqualified to be Board Members (5126.0210)

i. The following individuals shall not serve as members of County Boards of Developmental Disabilities:

- 1) Elected public officials, except for township trustees, township clerks, and those excluded from the definition of public official or employee in division (B) of Section 102.01 of the Revised Code;
- 2) Members of the immediate family of another Board member;
- 3) Board employees and members of the immediate family of Board employees;
- 4) Former Board employees within one calendar year of the termination of employment with the Board on which the former employee would serve.
- 5) An individual ~~who~~ or whose immediate family member is a Board member or an employee of an agency licensed or certified by ODDD to provide services to individuals with mrdd.
- 6) An individual ~~who~~ or whose immediate family member is a Board member or an employee of an agency contracting with the Board that is not licensed or certified by the Ohio Department of Developmental Disabilities to provide services to individuals with developmental disabilities unless there is no conflict of interest.

7) An individual with an immediate family member who serves as a county commissioner of a county served by the county Board unless the individual was a member of the Board before October 31,1980.

- ii. In no circumstance shall a member of a County Board vote on any matter before the Board concerning a contract agency of which he/she or a member of his/her immediate family is also a Board member or an employee. (5126.0219) All questions relating to the existence of a conflict of interest shall be submitted to the local prosecuting attorney.

Notwithstanding any provision of the revised code to the contrary, including applicable provisions of sections 102.03, 102, 04, 2921.42, and 2921.43 of the revised code, a Board employee also may be a member of the governing Board of an agency or a political subdivision, including the Board of education of a school district. The Board may contract with the governing Board of an agency or political subdivision whose member is also a Board employee, provided that in no circumstances shall such employee of the county Board vote on any matter before the governing Board of the agency or political subdivision concerning a Board contract or participate in any discussion or debate regarding that contract.

- (e) Conflict of interest

All questions relating to the existence of a conflict of interest for the purpose of division (A)(6) ~~(5)~~ of ORC 5126.0210 shall be submitted to the local prosecuting attorney for resolution. The Ohio Ethics Commission may examine any issues arising under Chapter 102, and sections 2921.42,2921.43 of the Revised Code.

- (f) Organization of the Board (5126.04)

The Board shall hold an organizational meeting no later than the thirty-first (31) day of January of each year and shall elect as officers, a president, a vice-president, and recording secretary. The county Board shall document the result of the annual organizational meeting and forward it to the Department Developmental Disabilities.

The Board shall meet at least ten times annually in regularly scheduled sessions in accordance with section 121.11 of the Revised Code, excluding in-service training sessions. A majority of the Board constitutes a quorum. The county Board shall adopt rules for the conduct of its business and a record shall be kept of Board meetings, which shall be open for public inspection.

- (g) Oath of Office

The following oath of office shall be administered to new Board members by the Chairman of the Board or his designee. It shall read:

I, (*state your name*), hereby affirm that I will faithfully execute the responsibilities as a member of the Clark County Board of Developmental Disabilities in accordance with the Ohio Revised Code, the Ohio Department of Developmental Disabilities, the, and the Clark County Board of Developmental Disabilities laws, rules, and regulations.

- (h) As used in this policy, a relative: means a spouse, a parent (exclusive of a parent whose parental rights, duties and obligations have been limited or removed by order of the court), Parent-in-Law, sibling, sibling-in-law, child, child-in-law, grandparent, aunt or uncle.

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Responsibilities/Prohibition of Members	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 11/03, 6/05, 8/09	CARF Ref:	n/a

(a) Responsibilities

- i. Each Board member shall examine and understand all business that is decided by the Board and shall vote according to his/her own conscience as what he/she considers best for the total program. Each Board member shall follow and abide by all rules and regulations set by the Board.

- ii. Annually, each member is required to complete four (4) clock hours of in-service provided by or approved by the Department of Developmental Disabilities. (5126.0217)
 1. Inservice session shall not be considered part of the regularly scheduled Board meeting.
 2. A Board member shall be considered present at an in-service training session even if the member is not physically present in the room when the session is held if the member is connected to the session through a system that enables the member to communicate with the individuals participating in the session and vice versa. (5126.0218)
 3. Superintendents shall annually verify to the Department on forms prescribed by the Department, that Board members have attended required inservice training.
 4. Consequences for failure to attend required inservice training
 - a) If a Board member fails to attend inservice training as specified, the Board shall by resolution supply the Board members and the member's appointed authority with written notice of the charges against the member. The Board shall send a copy of this resolution to the Department.
 - b) The appointing authority shall afford the member an opportunity for a hearing in accordance with procedures it adopts, and shall, upon determining that the charges are accurate, remove the member and appoint another person to complete the member's term.
 - c) The Superintendent shall notify the Department of any action the appointing authority takes regarding the Board member.
 - d) A member who is removed from the Board for failing to attend inservice training is ineligible for reappointment to the Board for not less than one year.
 - e) If a member is removed from the Board for failing to attend inservice training, the Board shall specify to the appointing authority the training the member must complete prior to being eligible for reappointment.

- iii. Members shall abide by ethical rules of conduct appropriate to public officials of the State of Ohio. No Board member shall seek special privileges, criticize employees publicly, disclose confidential information or consider a complaint by or against an employee, service or program of the Board that is not first submitted to the Superintendent.

(b) Prohibitions

- i. The Board members have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any statement or action on the part of any individual Board member, except when such statement or action is in pursuance of specific instructions by the Board.
- ii. No Board member shall seek special privileges or disclose confidential information concerning enrollees without a written statement permitting such disclosure signed by the client, parent of a child or guardian of the client.
- iii. No Board member shall be interested in a contract for the purchase of property, supplies or insurance for the use of the county, township, Municipal Corporation Board of Education, or a public institution with which he/she is or is not connected.

(c) Removal of a Board Member (5126.0220)

Reasons a Board member shall be removed from the Board by the appointing authority:

- i. neglect of duty
- ii. misconduct, malfeasance,
- iii. ineligibility to serve on the county Board per section 5126.029 and 5126.021 ORC,
- iv. failure to attend at least four hours of in-service training each year, or
- v. upon the absence of a member within one year from either 4 regularly scheduled Board meetings or,
- vi. from two regularly scheduled Board meetings if the member gave no prior notice of his/her absence or,
- vii. consistently poor performance on the county Board, as demonstrated by documentation that the president of the county Board provides to the appointing authority and the appointing authority determines is convincing evidence. This removal provision does not apply to absences from special meetings or work sessions. The Board shall supply the Board member and his/her appointing authority with written notice of the charges against the member.

Process (5126.0221 through 5126.0225)

The Board shall supply the Board member and his/her appointing authority with written notice of the charges against the member, if there are grounds for the mandatory removal of a Board member. The appointing authority shall afford the member an opportunity for a hearing, in accordance with 5126.0223, unless the appointing authority requested that the Director of ODMRDD waive the mandatory removal under Section 5126.0220 ORC and the Director refused to issue the waiver. The appointing authority shall hold a hearing if the member requests the hearing not later than thirty days after the date that the Board sends the member the notice required by section ORC 5216.0221. If the member requests a hearing within the time frame in 5126.0223, the appointing authority may not remove the member until the conclusion of the hearing.

An appointing authority shall not remove a member of the Board by reason (c) iv. or vi., if the Director of the Ohio Department of Developmental Disabilities waives the requirement that the

member be removed. (5126.0221)The Director may waive the requirement if the appointing authority requests that the waiver and provides evidence that is satisfactory to the Director that the member's absences are due to a serious health problem of the member or a member of the member's immediate family. The Director's decision on this matter is final.

The Board may pass a resolution urging the appointing authority to request that the Director issue the waiver. The member whose absences are the subject of the resolution may not vote on the matter. The appointing authority may request the waiver regardless of whether the Board passes a resolution.

If the affected member requests a hearing within the time required, the appointing authority may not remove the member from the Board before the conclusion of the hearing.

A member who is removed from the Board is ineligible for reappointment to the Board for not less than one year. The appointing authority shall specify the time during which the member is ineligible for re-appointment. If the member is removed due to lack of inservice training, the County Board may specify the training the member must complete before reappointment.

(d) Eligibility for Services of Board Member's Family

Membership of a person on, or employment of a person by a County Board of Developmental Disabilities does not affect the eligibility of any member of his/her family for services provided by the Board or by any entity under contract with the Board.

(e) Compensation: Expenses of Board Members (5126.0215)

Members of the Board shall serve their term without compensation, but shall be reimbursed for necessary expenses in the conduct of Board business, including those incurred within the county of residence in accordance with established Board policy.

Declaration by Board Member

Clark County Board of Developmental Disabilities

I. _____ (*Name of Board Member*) am a member of the Clark County Board of Developmental Disabilities (referred to as the "Board"). Pursuant to the requirements of 5126.0211 of the Ohio Revised Code and Section 3 of Am. S.B. 10 (126th General Assembly), I make the following declarations:

1. I am a citizen of the United States
2. I am a resident of Clark County
3. I am interested and knowledgeable in the field of developmental disabilities

Check ALL which apply:

I have an immediate family member¹ who is eligible to receive early intervention services or services for preschool or school-age children from the Board.

I have an immediate family member who is eligible to receive adult services from the Board

I have an immediate family member who is eligible to receive residential or supported living services from the Board

I have an ownership interest in the _____ agency, which has a contract with the Board. The nature of this ownership interest is as follows:

I have an immediate family member who has an ownership interest in the _____ agency, which has a contract with the Board. The nature of this ownership is as follows:

I have a contract with the _____ agency, which has a contract with the Board. The nature of this contract is as follows:

¹ "Immediate Family Member" includes the following: parents, brothers, sisters, spouses, sons, daughters, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, and daughters-in-law

I have an immediate family member who has a contract with the _____ agency, which has a contract with the Board. The nature of this contract is as follows:

I am a Board member or employee of the _____ agency, which is licensed or certified by the Ohio Department of Developmental Disabilities and which provides services to individuals with developmental disabilities.

I have an immediate family member who is a Board member or employee of the _____ agency, which is licensed or certified by the Ohio Department of Developmental Disabilities and which provides services to individuals with developmental disabilities.

I am a Board member or employee of the _____ agency, which is not licensed or certified by the Ohio Department of Developmental Disabilities which provides services to individuals with developmental disabilities and is under contract with the Board.

I have an immediate family member who is a Board member or employee of the _____ agency, which is not licensed or certified by the Ohio Department of Developmental Disabilities, which provides services to individuals with developmental disabilities and which is under contract with the Board.

I am an elected public official in the following position: _____

I have an immediate family member who is currently on the Board.

I am currently an employee of the Board.

I was an employee of the Board and terminated my employment with the Board on the following date: _____.

I have an immediate family member who is currently an employee of the Board.

I have an immediate family member who is currently a county commissioner for _____ county.

Signature

Date

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Duties of Officers of Board	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 8/09	CARF Ref:	n/a

(a) President

The President shall preside at all meetings. He/she shall be responsible for the prompt and impartial dispatch of matters presented to the Board, and perform such duties as may be prescribed by law, or by action of the Director of the Ohio Department of Developmental Disabilities.

The President shall appoint members to such committees as are deemed necessary to the development of the various aspects of the program. A special advisory committee may be appointed by the President, or by Board action, and may consist wholly, or partially, of non-board members. No legislative or administrative responsibility shall be delegated to a committee other than the general duties to study, investigate, consult and make recommendations.

(b) Vice-President

The Vice-President shall act in the absence of the President and, shall perform other duties as may be delegated by the President or as assigned by the Board.

(c) Recording Secretary

The Recording Secretary shall ensure that a complete and correct record of all meetings of the Board is created. The Recording Secretary will ensure a certified copy of the Board minutes are held in the office of the Superintendent as a repository and provide each member of the Board the complete and correct record of all meetings of the Board. The Recording Secretary, to the extent requested by the President, shall perform other duties as may be delegated by the President or as assigned by the Board.

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Orientation of New Board Members	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 8/09	CARF Ref:	n/a

- (a) The Superintendent will provide an orientation to all newly appointed board members. The orientation will be conducted prior to the first meeting the board member is scheduled to attend.

Items to be covered in the orientation should include but are not limited to the following:

- i. Tour of facilities and overview of programs
 - ii. Review of current Table of Organization
 - iii. Information regarding history of Clark County Board of Developmental Disabilities.
 - iv. Overview of Board meeting structure and procedure including time, date of meetings, agenda, etc.
 - v. Review of current projects in process for Board consideration
 - vi. Other items as requested or deemed appropriate
- (b) The newly appointed Board member will be provided access to the following documents for reference:
- i. Policy and Procedures Manuals for the Clark County Board of Developmental Disabilities.
 - ii. Auditors Handbook for County Boards of Developmental Disabilities.
 - iii. Current sections of the Ohio Revised Code Chapter 5126 pertaining to the County Boards of Developmental Disabilities.
 - iv. Ohio Association of County Boards of Developmental Disabilities Board Member Handbook
 - v. Other information pertinent to the position.

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Public Notice	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 8/09	CARF Ref:	n/a

(a) **Regular and Organizational Meetings**

Public notice of all meetings of the Board shall be given in accordance with Section 121.22 of the Ohio Revised Code.

Notice of all meetings shall be posted at Department Offices in conspicuous places in areas accessible to the public during usual business hours.

The Superintendent shall post a statement of the time(s) and place(s) of regular meetings of the Board for each regular meeting (other than the organizational meeting) of the calendar year of the Board. The Superintendent shall check at reasonable intervals to ensure that such statement remains so posted during such calendar year. If at any time during the calendar year, the time or place of regular meetings or of any regular meeting is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meetings shall be so posted by the Superintendent at least 24 hours before the time of the first changed regular meeting. The Superintendent shall post a statement of the time and place of the organizational meeting of the Board at least 24 hours before the time of such organizational meeting.

(b) **Special Meetings**

Except in the case of an emergency, the Superintendent shall, no later than 24 hours before the time of a special meeting of the Board, post a statement of the time, place and purpose of such special meeting.

The posting of notice of special meeting shall state such specific or general purposes then known to the Superintendent to be intended to be considered at such special meeting.

All postings for special meetings shall be done in the same place as those postings for the regular and organizational meeting.

In addition to the postings required, the Superintendent shall cause to be published once, no later than 24 hours prior to the time of a special meeting of the Board, a statement of the time, place and purposes of such special meeting. Such publication shall be done in a newspaper of general circulation as defined by the Ohio Revised Code, Section 7.12.

(c) **Notices to News Media of Special Meetings**

Section 121.22. Any news medium organization that desires to be given advance notification of special meetings of the Board shall file with the Superintendent a written request thereof.

A public body shall not hold a special meeting unless it gives at least twenty-four hours advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or

members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

News media requests for such advance notification of special meetings shall specify: the name of the medium, the name and address of the person to whom written notifications to the medium may be mailed, telegraphed or delivered (and) the names, addresses and telephone numbers (including addresses and telephone numbers at which notifications may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given or least one telephone number which their request identifies as being manned and which can be called at any hour for the purpose of giving oral notification to such medium.

Any such request shall be effective for one year from the date of filing with the Superintendent or until the Superintendent receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. Such requests may be modified or extended only by filing a complete new request with the Superintendent. A request shall not be deemed to be made unless it is complete in all respects. Such request may be conclusively relied on by the Board and the Superintendent.

The contents of written notification under this section shall be a copy of the agenda of the meeting. Written notification under this section may be accomplished by giving advance written notification, by copies of agendas, of all meetings of the Board.

(d) Notification of Discussion of Specific Types of Public Business at Regular and Organizational Meetings

Section 121.22 (F). “..any person may, upon request and payment of a reasonable fee, obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

Such person must file a written request with the Superintendent specifying: the person’s name, the address and telephone number at or through which he can be reached during and outside of business hours.

Such request shall be valid for a 12-month period at which time a new request must be made. Such requests may be modified or extended only by filing a complete new request with the Superintendent. A request shall not be deemed to be made unless it is complete in all respects and such request may be conclusively relied on by the Board and the Superintendent.

The contents of written notification under this section shall be a copy of the agenda of the meeting. Written notification under this section may be accomplished by giving advance written notification, by copies of agendas, of all meetings of the Board.

(e) Notification of Discussion of Specific Types of Public Business at Special Meetings

Per Section 121.22 (F) of the Revised Code, in the event that a person desires to be notified of specific business to be conducted at a special meeting, such person must file a request stating the specific type of business of which they desire to be notified. A reasonable fee may be charged.

Notification shall be made by the Superintendent to the requesting party in writing when time permits or by telephone at least 24 hours in advance of the special meeting except in case of an emergency.

In the event of an emergency requiring immediate official action, no notice is required to be made pursuant to this subsection.

Said request shall be valid for a 12- month period at which time a new request must be made.

(f) Miscellaneous Rules Pertaining to Notification Procedures

Any person may visit or telephone the Board office during regular office hours to determine, based on information available the following:

1. Time and place of regular meetings
2. Time, place and purposes of any known special meetings
3. Whether the available agenda for any such ~~future~~ meetings states that any specific type of public business, identified by such person, is to be discussed at such meeting.

The Board office address is 2527 Kenton Street, Springfield, Ohio 45505. The phone number is 937-328-2675. Typical business hours are 8:00am-4:30pm Monday through Friday.

Any notification provided herein to be given by the Superintendent may be given by any person acting on behalf of or under the authority of the Superintendent.

A reasonable attempt at notification shall constitute notification in compliance with these rules.

The Superintendent/designee shall maintain a record of the date and manner, and time if pertinent under these rules, of all actions taken with regard to notices and notifications and shall retain copies of proofs of publication of any notifications or notices published thereunder.

Clark County Board of Developmental Disabilities

Regular Meetings of the Board (2009 through 2011)

Traditionally, meetings are held the third Tuesday of the month and held at 5:15 p.m. in the Administrative Offices Conference Room. (Prior to February 2008 they were held at 4:30 p.m.) (During renovations in 2008, meetings were held at the Early Childhood Center).

Change of meeting date, time, or location will be announced in the newspaper and displayed on facility post boards. The Board is required to meet ten times annually at a regularly scheduled Board meeting.

(projected):

<i>Meetings in 2009</i>	<i>Meetings in 2010</i>	<i>Meetings in 2011</i>
January 20	January 19	January 18
February 17	February 16	February 15
March 17	March 16	March 15
April 21	April 20	April 19
May 19	May 18	May 17
June 16	June 15	June 21
July 21	July 20	July 19
August 18	August 17	August 16
September 15	September 21	September 20
October 20	October 19	October 18
November 17	November 16	November 15
December 15	December 21	December 20

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Transaction of Business	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 5/06 8/09	CARF Ref:	n/a

(a) Quorum

Four of seven members of the Board shall constitute a quorum for the transaction of business and approval of a motion or resolution. The President may vote on all matters.

Where a quorum is present, several members refusal to vote is not sufficient, even if a majority, to defeat the action of those actually voting. Members present, including the President, are obligated to vote, unless they wish to be regarded as assenting to the decision of the voluble majority. EXCEPTION: If a Board member does not vote because of a conflict of interest, the absence of a vote cannot be counted as affirmative.

(b) Voting

Voting will be by voice vote of “aye, nay or abstain”. The ayes, nays and abstains shall be taken and entered into the record of the proceedings of the Board. *

(c) Regular Meetings

Section 5126.04. “... The Board shall meet in such manner and at such times as prescribed by rules adopted by the Board, but the Board shall meet at least ten times annually in accordance with Section 121.22 of the Revised Code, not including in-service training sessions. Date, time and place of regular meetings shall be decided annually at the organizational meeting. A majority of the Board constitutes a quorum. The Board shall adopt rules for the conduct of its business and a record shall be kept of Board proceedings, which shall be open for public inspection. A regular meeting of the Board may be changed by the Superintendent with the knowledge and approval of the President, by the President, or a quorum of the Board.

The Board may recess a regular meeting to such a time and place as it deems advisable, and the meeting shall be considered a regular meeting and shall not be subject to review provided the public is given adequate information as to where and when it will reconvene.

(d) Special Meetings

Section 121.22. A special meeting of the Board may be called by the President, or the Superintendent with the knowledge and approval of the President, or by any two members by serving notice of the date and place and subject matter of such meeting upon each member of the Board and news media at least 24 hours prior to the date of such meeting. Such notice shall be signed by the official or members calling the meeting. Rules governing notification to public and news media must be followed.

“ Special meeting means a meeting which is neither a regular meeting nor an adjournment of a regular (or special) meeting to another time or day to consider items specifically stated on

the original agenda of such regular (or special) meeting. No other business than that listed in the notification may be conducted at special meetings, except in case of an emergency requiring immediate official action. In the event emergency action is necessary, the nature of the emergency must be stated in the minutes of the meetings.

Special meetings shall be held and conducted in accordance with the rules and regulations applicable to all Board meetings.

(e) Open Meetings

Under the Ohio Revised Code, all meetings of the Board are open to the public at all times. All regular, organizational and special meetings of the Board shall be open to the public. All official action and deliberations by the Board shall be conducted in open meetings unless the subject matter is specifically excepted by law ORC[121.22(A)].

(f) Executive Sessions

The Board shall be permitted to hold an executive session at any regular, organizational or special meeting as allowed by Section 121.22 of the Ohio Revised Code.

- i. The members of the Board may hold an executive session only after a majority of a quorum of the Board determines, by a roll call vote, to hold an executive session by:
 - 1) Specifying the purpose(s) for which the executive session is being called. The purpose must be specified in both the motion and vote to go into executive session.
 - 2) If the specified purpose pertains to personnel matters under R.C. 121.22 (G)(1), the motion and vote must also specify which of the particular personnel matters listed in subdivision (G) (1) will be discussed in the executive session, but need not include the name of any person to be considered at the meeting.
- ii. The members of a public body may hold an executive session only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

The following paragraphs are taken verbatim from Section 121.22 (G) of the Ohio Revised Code:

- 1) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office.
- 2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal private interest is adverse to the general public interest. No member of a public body shall use this division as a subterfuge for providing covert information to

prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers. If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body proposing to convey, lease or otherwise dispose of any right, title or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees or transferees of the property is concerned.

- 3) Conferences with an attorney for the public body, concerning disputes involving the public body that are the subject of pending or imminent court action.
- 4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
- 5) Matters required to be kept confidential by federal law or regulations or state statutes.
- 6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matter discussed could reasonably be expected to jeopardize the security of the public body or public office.

(g) Rules of Order

The Board shall observe Robert's Rules of Order Revised, except as otherwise provided by these rules and regulations or by statute.

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Committees	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 5/06 8/09	CARF Ref:	n/a

(a) Standing Committees

The Board shall authorize such standing committees as are deemed necessary and the members of such committees shall be appointed by the President. A special committee shall report its recommendations to the Board for appropriate action.

Committees shall be named no later than the March Board meeting following the organizational meeting in January. The Finance Committee shall be made up of all Board members. All other committees, with the exception of the Ethics Council, may have as many as 7 members but no fewer than 3.

No legislative or administrative responsibility shall be delegated to a committee. However, a committee may be assigned general duties to study, investigate, consult and make recommendations regarding such topics to the Board.

The Board will establish standing committees which may include, but are not limited to:

- Finance
- Personnel
- Program & Operations

The Board shall have an Ethics Council consisting of three members who are appointed at the annual organizational meeting.

Each committee shall determine a chair person and a responsible party to complete minutes of the committee meeting. Committee chairs shall be determined at the first committee meeting following the committee assignments.

The Board shall establish a purpose and guidelines for each standing committee created by the Board.

(b) Ad Hoc Committees

Members of the Board may be appointed to ad hoc committees which include citizens, administrators or other governmental officials when it is deemed beneficial to the schools or to the community.

(c) Notices

Committees are subject to the same notice requirements as meetings

Clark County Board of Developmental Disabilities

Board Committee Descriptions

- I. Executive Committee: President
Vice President
Secretary
- II. Finance:
Responsibilities: Chair
Oversee financial matters of the Board; review annual budgets and financial related policy changes; evaluate and monitor insurance coverage. All members of the Board serve on this committee. Make recommendations to the Board.
- III. Personnel:
Responsibilities: Chair
Consider requests for new positions; develop/amend personnel policies; review compensation plan as needed. Make recommendations to the Board. Responsible for hearing and responding to personnel grievances.
- IV. Program/Operations:
Responsibilities: Chair
Review programmatic proposals, contracts and policies requiring Board approval, i.e.: Annual Action Plan, Curriculum, Pilot Projects. Review proposals for renovations, building acquisition, overall building plan; proposals for vehicle acquisition. Make recommendations to the Board. Responsible for hearing and responding to complaints filed under administrative resolution of complaints procedure.
- V. Ethics Council:
Responsibilities: Chair
Approve all direct services contracts which could result in a Parent (or family member) receiving direct financial benefit from the Board. Approve dual employment of staff in particular circumstances. Make recommendation to the Board.

The Board President will serve as ex-officio member of all committees except for Ethics and Finance.

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Board Operations	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 1/03, 6/05 8/09	CARF Ref:	n/a

(a) Agenda

The Superintendent shall prepare and deliver a copy of the agenda to the members of the Board and to the media three days prior to any regular Board meeting. The Superintendent in consultation with the Board President shall prepare a final agenda for each meeting of the Board. The order of business at each meeting shall be:

- i. Call to Order
- ii. Roll Call
- iii. Introductions and Visitor's Time
- iv. Minutes of Previous Meetings
- v. Financial Reports
- vi. Committee Reports
- vii. **Old Business**
- viii. New Business
- ix. Superintendent's Report
- x. Communications
- xi. Comments from Board Members
- xii. Next Meeting
- xiii. Adjournment

(b) Minutes

i. Preparation

Section 121.22. All resolutions of the Board shall be taken from the minutes and the original certificate of resolution shall be retained in the Superintendent's office. The Board Secretary shall certify the original copy as being true, correct and exact. The official minutes are open to public inspection.

ii. Distribution

Copies of the Board packet shall be prepared and distributed to the Superintendent, the Board members, and copies should be available in each department 24 hours prior to the Board meeting. Superintendent shall post a copy of revised minutes if changes are made on meeting minutes in each of the Boards facilities with 48 hours after such meeting.

Additional copies of the Board minutes may not be issued at county expense. Copies of all official documents may be obtained by any individual at a charge established by the Board to be the cost of furnishing said document.

iii. Approval

The minutes of the preceding meeting(s), with any changes made by a motion properly made and carried, or as directed by the President without objection, shall be approved by the Board and signed by the Secretary as the first act (after approval of agenda) of each regular meeting.

iv. Custody and Availability

The official minutes and related documents of the Board shall be permanently filed in the Superintendent's office, and shall be made available to any citizen desiring to examine them during normal work hours.

A records request may be made to the Records Custodian at any time during regular business hours. Consistent with the confidentiality procedure, a record of access/disclosure shall be kept including:

- 1) date access was given
- 2) records/data requested
- 3) date information was released

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Appearance and Presentation Before the Board	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 8/09	CARF Ref:	n/a

(a) Channels of Communication

The Board endorses the principle of open, two-way communication between the public, the Board itself, and the Superintendent and his/her staff, and free communication of all personnel within the program organization through recognized channels of communication.

(b) Addressing the Board

Any individual or group may address the Board concerning any subject that lies within the Board's jurisdiction. Questions are to be directed to the Board as a whole and may not be put to any individual member of the Board or the Superintendent or the staff, except by permission of the President. Any matter upon which the Board may be requested to act must be submitted in writing to the Board not less than seven (7) days, excluding Sunday and holidays, prior to the date of the meeting at which the subject is to be discussed.

Any matter upon which the Board may be requested to act must be submitted in one of two following ways:

- i. The matter may be submitted in writing to the Board prior to the start of the meeting at which the subject is to be discussed. When such a method is used, not more than three minutes may be allotted to each speaker and not more than thirty minutes to each subject under discussion except with the consent of the Board, or:
- ii. The matter may be submitted to any individual board member orally, at any time prior to the start of the meeting. The board member may then bring the matter up for discussion at the appropriate time. Discussion time line will be as in (b) i.
- iii. The names and resident addresses of all persons granted permission to speak to the Board shall be entered in the official minutes of the meeting.
- iv. Groups wishing to make presentations to the Board shall designate one of their number as official spokesperson, though other members of the group may also speak with the Board's permission.

(c) Personnel Matters

No person shall present orally, or discuss at any meeting of the Board, complaints or charges against individual employees of the program unless the complainant has first discussed the matter with the superintendent and received his/her response in writing. Charges or complaints shall be presented to the Board and the employee in writing prior to the meeting and shall be signed by the person or persons making the charge or complaint. Unless the employee requests a public discussion, the Board shall hear the complaint in executive session in which the complainant and employee shall be included. Any action taken by the Board shall be taken in open session.

How to Address the Clark County Board of Developmental Disabilities

This procedure has been prepared to explain how to bring matters of concern to the Board. We hope it will encourage individuals, family members, and interested citizens to take a more active part in board deliberations and in the Board's operations.

To speak to items on the agenda:

Anyone wishing to speak regarding an item on the agenda must complete the form on the reverse of this sheet and submit it to the Secretary or a Board Member prior to the start of the meeting. You will then be recognized by the President of the Board at the proper time.

To speak to items not on the agenda:

Anyone wishing to introduce an item not on the agenda must complete the form on the reverse of this sheet and submit it to the secretary or a board member prior to the start of the meeting. You will then be recognized by the President of the Board during the Introductions and Visitors time. If an item requires board action, the Board may act or may postpone action to further investigate and consider the item.

If you are aware of a new item prior to the date of the meeting, it would be extremely helpful to the Board to be given advance notice of the item.

What to do when recognized:

1. State name and address,
2. Address Board members as a group,
3. Board members may ask clarifying questions,
4. The President may use his/her discretion regarding recognizing speakers more than once on the same subject,
5. Individual remarks shall not exceed three (3) minutes, and no more than 30 minutes will be devoted to a single issue (includes all speakers),
6. Repetitive statements may be ruled out of order by the President.

Request to Speak to the Board Form

Name: _____ *date:* _____

Address: _____

Agenda Items:

New Items:

Clark County Board of Developmental Disabilities

Policy:	Board Operations	Application:	Board
Procedure:	Policy Approval	Application	Board
Procedure Revised:	11/99, 3/01, 8/09	CARF Ref:	n/a

- (a) A draft of the policy will be submitted to the Board in the designated format.
- (b) The Board shall review the policy as a whole or it may remand the policy to a committee of the Board for review and recommendation.
- (c) The Board may request further explanation of the policy by the responsible department director.
- (d) The Board may adopt the policy by a vote of “Aye” by the majority of the Board.
- (e) The date of the policy approval will be placed in the “Board Approved” date. Any revisions to the policy are to be noted under “Revised”.
- (f) The meeting minutes shall be maintained on file at the Board offices.

Clark County Board of Developmental Disabilities

Policy:	Ethics Council Policy	Application:	Board
Policy Approved:	March 20, 2001	CARF Ref:	Section 1:E.2(P)
Policy Revised:	06/05, 8/09		

The Clark County Board of Developmental Disabilities supports the belief that membership of a person on, or employment of a person by the Board does not affect the eligibility of any member of his family for services provided by the Board or by an entity under contract with the Board. Therefore, the Board has created an Ethics Council to review all direct services contracts, meaning any legally enforceable agreement with an individual, agency or other entity that, pursuant to its terms or operation, may result in a payment from the Board to an eligible person or to a member of the family of an eligible person for services rendered to the eligible person. The intent is to ensure that direct services contracts are awarded in a fair, uniform, non-discriminatory and non-arbitrary manner. This policy shall encompass all services where a direct payment is made to an individual as defined in Section 5126.032 of the Ohio Revised Code (ORC). Direct services contracts will include but not be limited to Supported Living, and Family Support Services (if payments are made directly to the family).

The Board President/designee shall ensure that the appropriate procedures are developed to implement the work of the council, including but not limited to council appointments, review, and awarding of contracts, grievance and contract audits.

Definitions

Direct Services Contract: any legally enforceable agreement with an individual, agency, or other entity that, pursuant to its terms or operation, may result in a payment from a county board of developmental disabilities to an eligible person or to a member of the family of an eligible person. “Direct Services Contract includes a contract for Supported Living pursuant to sections 5126.40 to 5126.47 of the Revised Code, a contract or reimbursement under section 5126.11 of the Revised Code, or reimbursement for transportation expenses.

Eligible Person: a person eligible to receive services from a county board or from an entity under contract with a County Board.

Family: has the same meaning as “immediate family” in section 102.01 of the Ohio Revised Code.

Former Board Member: a person whose service on the county board ended less than one year prior to commencement of services under a direct services contract.

Former Employee: a person whose employment by the county board ended less than one year prior to commencement of services under a direct services contract.

Resources: federal, state, or local money, private grants or donations, appropriately trained personnel, and appropriate capital facilities and equipment.

Clark County Board of Developmental Disabilities

Policy:	Ethics Council	Application:	Board
Procedure:	Review and Awarding of Contracts	Application	Board
Procedure Revised:	11/99, 3/01, 2/02, 6/05, 8/09	CARF Ref:	Section 1.E.2 (p)

(a) The Ethics Council shall:

(i) Follow any existing rules, procedures and/or guidelines detailing the review and awarding of funds for specific service areas, i.e., Family Support Services (FSS), Supported Living Services (SL), Family Restricted Services.

(ii) Review all initial and renewal FSS, SL and family restricted services contracts for direct services which may result in a direct payment to an individual as defined in Section 5126.032 of the ORC.

(iii) Utilize information the Superintendent/designee provides specific to the Ethics Council regarding any possible conflicts of interest related to the contracts to be reviewed and any information needed concerning each contract to assist the Council in making its decisions.

(iv) Meet as needed to review and make decisions on each contract presented.

(b) All action taken by the Council on direct services contracts must be public. The Council shall keep minutes of all of its actions. These minutes shall become a part of the public record of the Board.

(c) The Superintendent or designee shall certify to the Council a copy of each proposed direct services contract or contract renewal at a reasonable time before the contract will take effect, except in the event of an emergency, if resources for such contracts are available. If an emergency situation exists and if resources are available, the Superintendent may approve an interim contract and obtain Ethics Council approval at the next Council meeting.

(d) The Ethics Council shall promptly review each direct services contract certified to it and determine whether the amount to be paid under the contract is limited either to the actual amount of the expenses or to a reasonable and allowable ceiling amount.

(i) If the amount to be paid is not acceptable, the Council shall either recommend that the contract be disallowed or suggest acceptable specific revisions.

(ii) If the contract involves payment to a current or former Board member, a current or former employee, or an immediate family member of any of these, the Council shall determine whether the eligible person involved stands to receive preferential treatment or any unfair advantage over other eligible individuals due to the relationship with a Board member or employee. If the Council finds that awarding the contract would result in such preferential treatment or unfair advantage, it must recommend disapproval of the contract to the Board.

(e) The Council shall certify its recommendation concerning each contract to the Board, and the Board shall enter into each direct services contract that has been recommended, or

recommended with revisions, by the Council, except in the event the Clark County Prosecuting Attorney has determined a contract is not in compliance with the law.

- (f) The Clark County Prosecuting Attorney, at the request of the Board, shall prepare a legal review of any direct services contract that has been recommended by the Council. The Board shall enter into only those contracts submitted for review that are determined by the Clark County Prosecuting Attorney to be in compliance with the state law.
- (g) The Board shall not enter into a direct services contract unless the contract is limited either to the actual amount of the expenses or to a reasonable and allowable amount projected by the Board.
- (h) The Board shall not enter into a direct services contract that would result in payment to a Board member, former Board member, employee, former employee, or member of the immediate family of a Board member, former Board member, employee, or former employee if the person who would receive services under the contract stands to receive any preferential treatment or any unfair advantage over other eligible persons.
- (i) The Board shall not enter into a direct services contract for services provided in accordance with section 5126.11 or sections 5126.40 to 5126.46 of the Revised Code under which an individual, agency, or other entity will employ a professional or service employee, as defined in section 51261.120 of the Revised Code, who is also an employee of that Board unless all of the following conditions are met:
 - i. The employee is not in a capacity to influence the award of the contract. The following positions are prohibited from employment with a specialized developmental disabilities contract agency: Management 2 and above; Path Coordinator; Quality Assurance Specialist; Compliance Specialist; or any other position with a Service and Support Administration function.
 - ii. The employee has not attempted in any manner to secure the contract on behalf of the individual, agency, or other entity.
 - iii. The employee is not in management level two or three according to rules adopted by the Director of the Ohio Department of Developmental Disabilities and does not provide service and support administration.
 - iv. The employee is not employed by the Board during the period when the contract is developed as an administrator or supervisor responsible for approving or supervising services to be provided under the contract and agrees not to take such a position while the contract is in effect, regardless of whether the position is related to the services provided under the contract.
 - v. The employee has not taken any actions that create the need for the services to be provided under the contract.
 - vi. The individual, agency, or other entity seeks the services of the employee because of the employee's expertise and familiarity with the care and condition of one or more eligible persons and other individuals with such expertise and familiarity are unavailable, or an eligible person has requested to have the services provided by that employee.

- (j) Employees of the Board may, excepting those noted above, be employed by an agency that holds a direct service contract with the Board until such time that management determines that there is either a conflict of interest or a conflict of time. Upon determination that a conflict exists, the employee is subject to sections (b)(1-4) of the *Ethics: Standards of Conduct Procedure*, effective August 1, 2004

The Superintendent shall notify the employee and the individual, agency, or other entity that seeks the employee's services of the Ethics Council determination under section 5126.032 of the Revised Code regarding the contract. The Council's determination shall be binding on all parties.

The employee who is the subject of the contract shall inform the Superintendent of any employment the employee has outside the county Board that is with any individual, agency, or other entity that has a contract with the county Board.

Clark County Board of Developmental Disabilities

Policy:	Ethics Council	Application:	Board
Procedure:	Auditing Contracts	Application	Board
Procedure Revised:	3/01, 6/05 8/09	CARF Ref:	n/a

Listed below are general guidelines in regard to the auditing and reconciliation of direct services contracts between the Board and Eligible Individuals as defined in Section 5126.032 of the Ohio Revised Code.

The following are contracting audit procedures completed in order to meet ORC 5126.032.

- (a) **Supported Living Program (SL):** Each contract will be entered into based on specific dollar amount for a specific period of time, i.e. \$5,000 for six months. Included in each contract will be specific fiscal requirements including: funding and auditing/reconciliation procedures. Because of the nature and individuality of each contract funded by Supported Living monies, no one method of auditing/reconciliation will be possible. Some contracts may be with other agencies, while some may be with a private individual or family member. Each situation/contract will have its own unique characteristics requiring individual approaches to assure successful implementation of the contract and proper auditing.

Auditing/reconciliation will occur within a specified amount of time following the end of a contract, as indicated in each contract for direct services.

- (b) **Family Support Services (FSS):** The procedures already established to pay for services covered under this program require a routine audit or reconciliation within 30 days of a service being provided.

Prior to payment being made for respite services, the program must receive a voucher from the provider which has been signed by the family receiving respite verifying receipt of services. In addition, the Coordinator must authorize respite prior to its use except for infrequent emergency circumstances outlined in established policies.

The payment for equipment, training, home modifications or if special diets occurs after a verification of need is made by the Coordinator. Upon receipt of an invoice and the family's approval of services or products purchased, payment will be authorized.

Additional assurances are made by requiring that most equipment or special diets be ordered by an appropriate, licensed professional familiar with the specific situation.

In addition, the Board has established a ceiling for each family which cannot be exceeded without prior approval. Such requests are reviewed by a committee of County Board employees appointed by the Superintendent

- (c) **Personal Services Contract:** The contracts will typically be handled in like manner to Supported Living contracts. The funding source, type of service provided and documentation required will dictate when and how auditing and reconciliation will be done. Careful consideration shall be given to assure that the program/services being funded are

meeting the identified needs of the individual and comply with guidelines of each funding source.

(d) **General Issues**

- i. All contracts entered into between the Board and other agencies or individuals require proper auditing and, when appropriate, reconciliation. In some instances, such as when other agencies are involved, professional fiscal personnel will be available to allow them to utilize a more detailed system for accountability and auditing. However, many other situations will find the Board contracting with families or persons with disabilities. Fiscal procedures such as auditing and reconciliation shall be simply stated so as not to deter the family or individual from desiring to contract with the Board for direct services, notwithstanding the fact that Board staff have an obligation to properly account for public funds they administer. Therefore, exact reporting procedures will, from necessity, take into account the needs of all parties.
- ii. In the event an audit finds that a contract did not spend funds received from the Board, or that some costs were disallowed, a pay back arrangement will be developed between the Board and the contractor.
 - 1) If the contractor is entering into a new contract involving the same individual, reconciliation may be arranged by deducting from the new contract payments an equal amount each month until the overpayment is refunded to the Board.
 - 2) If the contractor is not entering into a new contract, the contractor shall pay to the Board the full amount of the overpayment, either in one lump sum payment or, in the event of undue hardship, in equal monthly payments.

Clark County Board of Developmental Disabilities

Policy:	Ethics Council	Application:	Board
Procedure:	Operations	Application	Board
Procedure Revised:	3/01 6/05 8/09	CARF Ref:	n/a

- a) The President of the Board shall appoint three members of the Board to an Ethics Council. The President may be one of those appointed and the Superintendent shall be a non-voting member of the Council. The President shall not appoint a Board member to the Ethics Council if the member, or any member of his/her family, will have any interest in any direct services contract under review by the Ethics Council or during the twelve-month period after completion of their Council service.
- b) The role of the Ethics Council shall be to review all direct service contracts which may result in direct payment to an eligible person or to a member of the eligible persons family according to this policy, and develop for recommendation to the Board policies regarding ethical standards, contract audit and grievance procedures with respect to the award and reconciliation of the direct services contract. The Ethics Council shall also review all direct service contracts that may result in an employee of the Board receiving funds via FSS, SL, or other funds managed by the Board.
- c) The Ethics Council shall meet monthly or as needed prior to Board meetings to perform its functions. Any action taken by the Ethics Council shall be in public to afford the affected party the opportunity to meet with the Ethics Council on matters related to direct services contract or any action taken by the Council. Official minutes will be taken at all Ethics Council meetings and shall be part of the public records of the County Board.
- d) All contracts and information provided to the Ethics Council shall be sent by the Superintendent or his/her designee with the appropriate certification that the contracts are within available resources and appropriations. The Ethics Council, during its regular meeting, shall determine whether the amount to be paid under the contract is appropriate based on actual expenses or reasonable and allowable projections. The Ethics Council shall also determine whether the eligible person who would receive services under the contract stands to receive any preferential treatment or any unfair advantage over other eligible persons.
- e) If the amount to be paid is not acceptable or the contract would result in preferential treatment or unfair advantage, the Ethics Council shall recommend that the Board not enter into a contract or shall suggest acceptable, specific revisions. The Board shall not enter into any contract that is not recommended by the Ethics Council or enter into any contract to which revisions are suggested if the contract does not include the specified revisions.
- f) The Board, by resolution, shall enter into each direct services contract that the Ethics Council recommends or recommends with specified revisions. The Board may request the Prosecuting Attorney to prepare a legal review of recommended direct services contracts to determine compliance with state law.
- g) The Ethics Council shall in no way allow a member or employee of the Board to authorize, or use the authority of his/her office or employment to secure authorization of a direct services contract that he/she may benefit from in any way.
- h) This policy shall be in full compliance with the mandates of Sections 5126.031 and 5126.032 of the Ohio Revised Code.

Clark County Board of Developmental Disabilities

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