

Erie County Board of Mental Retardation and Developmental Disabilities

Board

January 2005

POLICY MANUAL

ERIE COUNTY BOARD OF MENTAL RETARDATION and DEVELOPMENTAL DISABILITIES

BY LAWS

A. Name

The name of the organization is prescribed by Section 5126 of the Ohio Revised Code to be the Erie County Board of Mental Retardation and Developmental Disabilities. The Erie County Board of Mental Retardation and Developmental Disabilities shall hereinafter be referred to as the Board. Where quoted reference is made to the Ohio Revised Code, the reference to the Board shall be as defined in the Code.

B. Authority for Establishing Policies

This Board Policy Manual is adopted by the Erie County Board of Mental Retardation and 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 5126.0216 of the Ohio Revised Code). By-laws may be amended by a majority of the Board at a regular or special Board meeting. Reference to the Ohio Revised Code shall be noted in italics (as above) and italicized sections cannot be amended by the Board.

C. Appointment and Members

The following noted in italics is from Section 5126.028 and 5126.029 of the Revised Code:

The Board shall consist "of seven members, five of whom shall be appointed by the board of county commissioners of the county, and two of whom shall be appointed by the senior probate judge of the county. Each member shall be a resident of the county.

When making appointments to a county board of mental retardation and developmental disabilities, an appointing authority shall do all of the following:

- A. Appoint only individuals who are residents of the county the appointing authority serves, citizens of the United States, and interested and knowledgeable in the field of mental retardation and other allied fields;*
- B. If the appointing authority is a board of county commissioners, appoint, subject to division (B) of this section, at least two individuals who are immediate family*

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members of individuals eligible for services provided by the county board and, whenever possible, ensure that one of those two members is an immediate family member of an individual eligible for adult services and the other is an immediate family member of an individual eligible for early intervention services or services for preschool or school-age children;

- C. *If the appointing authority is a senior probate judge, appoint, subject to division (B) of this section, at least one individual who is an immediate family member of an individual eligible for residential services or supported living;*
- D. *Appoint, to the maximum extent possible, individuals who have professional training and experience in business management, finance, law, health care practice, personnel administration, or government service;*
- E. *Provide for the county board's membership to reflect, as nearly as possible, the composition of the county or counties that the county board serves.*

The following noted in *italics* is from Ohio Revised Code, Section 5126.03:

- A. *The following individuals shall not serve as members of county boards of mental retardation and 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*
- B. *A person may not serve as a member of a county board of mental retardation and developmental disabilities when either the person or a member of the person's immediate family is a board member of a contract agency of that county board unless there is no conflict of interest. In no circumstance shall a member of a county board vote on any matter before the board concerning a contract agency of which the member or a member of the member's immediate family is also a board member or an employee. All questions relating to the existence of a conflict of interest shall be submitted to the local prosecuting attorney and the Ohio ethics commission for resolution.*
- C. *No employee of an agency contracting with a county board of mental retardation and developmental disabilities or member of the immediate family of such an employee shall serve as a board member or an employee of the county board except that a county board may, pursuant to a resolution adopted by the board, employ a member of the immediate family of an employee of an agency contracting with the board.*
- D. *No person shall serve as a member or employee of a county board of mental retardation and developmental disabilities if a member of the person's immediate family serves as a county commissioner of the county served by the board unless the person was a member or employee prior to October 31, 1980.*
- E. *A county board of mental retardation and developmental disabilities shall not contract with an agency whose **governing** board includes a county commissioner of the county served by the county board.*
- F. *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, an employee of a county board of mental retardation and developmental disabilities 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 county board of mental retardation and developmental disabilities may contract with the governing board of an agency or political subdivision whose member is also an employee of the county board, 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 county board contract or participate in any discussion or debate regarding that contract.

At the time of appointment and annually there after, each Board member shall sign a declaration indicating that they are in compliance with this section of the by-laws.

D. Term

The following noted in *italics* are from 5126.0212 and 5126.0213 of the Revised Code: *Members of a county board of mental retardation and developmental disabilities shall be appointed or reappointed not later than the last day of November, commence their terms on the date of the stated annual organizational meeting in the following January... and serve terms of four years. The membership of an individual appointed as an immediate family member of a recipient of services shall not be terminated because the services are no longer received.*

"Except as otherwise provided in this section and section 5126.0225 of the Revised Code, a member of a county board of mental retardation and developmental disabilities may be reappointed to the county board. Prior to making a reappointment, the appointing authority shall ascertain, through written communication with the board, that the member being considered for reappointment meets the requirements of sections 5126.029 and 5126.0225 of the Revised Code."

" A member who has served during each of three consecutive terms shall not be reappointed for a subsequent term until two years after ceasing to be a member of the board, except that a member who has served for ten years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment of two years."

E. Vacancies

The following noted in *italics* is from Ohio Revised Code, Section 5126.0214:

Within sixty days after a vacancy on a county board of mental retardation and developmental disabilities occurs, including a vacancy created under section 5126.0220 of the Revised Code, the appointing authority shall fill the vacancy for the unexpired term. Before filling a vacancy, the appointing authority shall cause a notice of the vacancy to be published on at least two separate dates in one or more newspapers serving the county or counties the county board serves.

A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

Members of a county board of mental retardation and developmental disabilities shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the conduct of county board business, including expenses that are incurred in the member's county of residence in accordance with an established policy of the county board.

F. Removal

The following noted in *italics* is from Ohio Revised Code, Section 5126.0220:

Subject to sections 5126.0221 and 5126.0223 of the Revised Code, an appointing authority shall remove a member of a county board of mental retardation and developmental disabilities for any of the following reasons:

- (1) Neglect of duty;*
- (2) Misconduct;*
- (3) Malfeasance;*
- (4) Ineligibility to serve on the county board pursuant to section 5126.0210 of the Revised Code;*
- (5) Failure to attend at least four hours of in-service training session each year;*
- (6) Failure to attend within one year four regularly scheduled board meetings;*
- (7) Failure to attend within one year two regularly scheduled board meetings if the member gave no prior notice of the member's absence;*
- (8) 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.*

The removal provisions of divisions (A) (6) and (7) of this section do not apply to absences from special meetings or work sessions.

In accordance with 5126.0222-24 If there are grounds for the mandatory removal of a member of a county board of mental retardation and developmental disabilities under section 5126.0220 of the Revised Code, the county board shall supply the board member and the member's appointing authority with written notice of the grounds. An appointing authority shall afford a member of a county board of mental retardation and developmental disabilities an opportunity for a hearing and not be removed until the conclusion of that hearing.

G. Oath of Office

(ALTHOUGH THERE IS NO STATUTORY REQUIREMENT FOR AN OATH TO BE ADMINISTERED TO COUNTY BOARD OF MR/DD BOARD MEMBERS, THE FOLLOWING IS A RECOMMENDED POLICY AND THE OATH IS BASED UPON SECTION 3313.10 OF THE REVISED CODE: THE OATH FOR BOARD OF EDUCATION MEMBERS)

The President of the Board or his designee shall administer the following oath of office to new Board members. It shall read: "Do you solemnly swear that you will support the Constitution of the United States and the Constitution of the State of Ohio; and that you will faithfully and impartially discharge your duties as a member of the County Board of

Mental Retardation and Developmental Disabilities to the best of your ability, and in accordance with the laws and the rules and regulations of the Board now in effect and hereafter to be enacted, during your continuance in said office, and until your successor is appointed?" If so, the answer is: "I do."

H. Organization

The following noted in *italics* is from Ohio Revised Code, Section 5126.022:

“Each county board of mental retardation and developmental disabilities shall hold an organizational meeting no later than the thirty-first day of January of each year and shall elect its officers, which shall include a president, vice-president, and recording secretary. After its annual organizational meeting, 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 regularly scheduled sessions in accordance with section 121.22 of the Revised Code, not including in-service training sessions. 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.”

The following noted in *italics* is from Ohio Revised Code, Section 5126.031:

“Except as provided in division (B) of this section, annually at the organizational meeting required by section 5126.022 [5126.02.2] of the Revised Code, the chairperson of the county board of mental retardation and developmental disabilities shall appoint three members of the board to an ethics council to review all direct services contracts..”

Other business may be conducted at the organizational meeting as necessary. The organizational meeting shall be held and conducted in accordance with the rules and regulations applicable to all Board meetings as contained in this article.

I. Officers

1. Election of Officers

Per Section 5126.22 of the Revised Code, the election of officers shall be at the annual organizational meeting. There shall be elected a President, Vice President and Recording Secretary who shall be elected for one year terms and shall serve until their successors are elected. No member shall hold more than one office. The Board may elect any other officers determined to be necessary or expedient to conduct its business.

Nominations for the new officers may be brought to the Board by the Nominating Committee appointed by the President and/or by nominations from the floor. The election may be by ballot or by voice vote.

2. President

Whenever possible, the President of the Board shall have served on the Board for a minimum of one (1) year and shall have held a previous office prior to being elected as President. The duties of the President shall be:

- a. To preside at all meetings of the Board
- b. To appoint committees
- c. To represent the Board as spokesperson on all public matters relating to the County Board. This function may be delegated to another person by the President. If this function is delegated, it must be in writing.
- d. To perform such other duties as may be prescribed by law or by action of the Board

3. Vice-President

Whenever possible, the Vice-President of the Board shall have served on the Board for a minimum of one (1) year. The duties of the Vice-President shall be:

- a. To preside in the absence of the President
- b. To perform the duties of the President in his absence
- c. To perform such other duties designated by the President

4. Recording Secretary

Whenever possible, the Recording Secretary of the Board shall have served on the Board for a minimum of one (1) year. The duties of the Recording Secretary shall be to:

- a. Keep a complete and correct record of all resolutions and meetings of the Board, including a complete statement of approved expenditures and resolutions acted upon
- b. File a certified copy of the Board minutes in the office of the Superintendent as a repository
- c. Provide each member of the Board with a copy of the minutes, including a complete statement of approved expenditures and resolutions acted upon
- d. Perform such other duties as may be delegated either by the President of the Board or assigned by the Board

J. Meetings

1. Date, Time and Place of Regular Meetings

The following noted in *italics* is from Ohio Revised Code, Section 5126.022: *"... 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 inservice training sessions."* Date, time and place of regular meetings shall be decided annually at the organizational meeting.

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.

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

3. Public Notice

a. Regular and Organization Meetings

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

A notice of Mental Retardation and Developmental Disabilities Board meetings will be posted at all Board owned facilities and at the County Court House. All Mental Retardation and Developmental Disabilities Board meetings will normally be held at the Kaleidoscope Center Conference Room, 4405 Galloway Road, Sandusky, Ohio. Board training sessions, if scheduled, will begin at 4:00 p.m. with the regular meeting beginning immediately following the training session. Other meetings at different locations or times or for special purposes will be posted at both the school and workshop at least 24 hours before the 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.

Upon the adjournment of any regular or special meeting to another day, the Superintendent shall promptly post notice of the time and place of such adjourned meeting.

b. Notices to the Public of 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 Ohio Revised Code Section 7.12.

c. Notices to News Media of Special Meetings

The following noted in *italics* is from Ohio Revised Code, 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 notification 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 notification 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.

Each January the Superintendent shall make written contact with all media requesting notice of meeting to determine their interest in receiving notices of the current year. Notices will only be mailed to news media that request notice be sent. Any such request shall be effective for the calendar year. A request shall not be deemed to be made unless it is complete in all respects and timely. 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

The following noted in *italics* is from Ohio Revised Code, 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, 4405 Galloway Road, Sandusky, Ohio or call (419) 626-0208 during that office's regular office hours to determine, based on information available at that office: the time

and place of regular meetings; the time, place and purposes of any then known special meetings and whether the available agenda of any such future meetings state that any specific type of public business, identified by such person, is to be discussed at such meeting.

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.

4. 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.

5. 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.

6. Executive Sessions, Procedure for Calling

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.

The President or any member may make a motion to conduct an executive session. Amendments to R. C. 121.22 in Am. Sub. S. B. 150 (eff. June 29, 1988) requires the Board to:

- a. Take a roll call vote of the Board members present
- b. Specify 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.

- c. If the specified purpose pertains to personnel matters under Revised Code 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.

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 noted in *italics* is from Ohio Revised Code, Section 121.22 (G):
“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 the elected official’s official duties or for the elected official’s removal from office. If a public body holds an executive session pursuant to division (G) (1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G) (1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

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.

Conferences with an attorney for the public body, concerning disputes involving the public body that are the subject of pending or imminent court action.

Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Matters required to be kept confidential by federal law or rules or state statutes.

Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

If a public body holds an executive session to consider any of the matters listed above, the motion and vote to hold that executive session shall state which one or more of the approved matters listed above are to be considered at the executive sessions.”

7. Participation by Citizens

The President of the Board or a majority of the members may extend to visitors the privilege of addressing the Board and the order of business at any regular meeting shall include an opportunity for members of the public to address the Board, provided, however, that the Board does not obligate itself to consider any request or proposal unless submitted to the President, in writing, at least seven (7) days before the meeting, exclusive of Sundays and holidays.

The Board endorses the principle of open communication between the public and the Board and between the Superintendent and his staff and free communication of all personnel with the program's organization through recognized channels of communication.

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 administrative staff. 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. It shall be in order for members of the Board to interrupt a speaker at any time to ask questions or make comments in order to clarify the discussion.

Not more than ten (10) minutes shall be allotted to each speaker and no more than thirty (30) minutes to each subject under discussion, except with the consent of the Board.

The President of the Board shall have the responsibility of deciding to limit the number speaking. If many are present to speak on a particular item on the agenda, the President of the Board should request them to meet in the lobby and select their representative to speak.

No person shall present orally at any meeting of the Board, a complaint against an individual employee of the Board. Such charge or complaint shall be presented to the Board in writing and shall be signed by the person(s) making the charge or complaint.

8. Recess of Meeting

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.

9. Agenda

The Superintendent shall prepare and deliver a copy of the agenda to the members of the Board and to the media 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:

- a. Board Training (If Scheduled)
- b. Roll Call
- c. Announcements/Comments from the floor on agenda items only
- d. Minutes
- e. Financial Reports
- f. Board Action Items
- g. Board Issues
- h. Superintendent's Report
- i. Staff Reports
- j. Comments from the Floor (non-agenda items)
- k. Adjournment

10. 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.

K. Minutes of Proceedings

1. Recording of Meeting

There may be situations where there may be the need for an audio or video tape recording of the meeting.

2. Written Meeting Minutes

Written meeting minutes shall be made and shall be the official record of the meeting. All resolutions of the Board shall be taken from the written meeting minutes and the original certificate of resolution shall be retained in the administrative office. The Board secretary shall certify the original copy as being

true, correct, and exact. The official written minutes are open to public inspection.

3. Distribution

Copies of the written minutes shall be prepared promptly after each meeting and shall be distributed to the Superintendent and the Board President. 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.

4. 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 of each regular meeting.

5. Custody and Availability

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

Recording of voice conversations, including audio tape, videotape, stenotype, or stenographer's notebook and also including verbatim minutes used to produce official minutes and hearing proceedings, report, or other record shall be kept in accordance with the Board's Public records retention policy.

L. Committees

1. Ethics Council

The following noted in *italics* is from Ohio Revised Code, Section 5126.031: *“Except as provided in division (B) of this section, annually at the organizational meeting required by 5126.0216 of the Revised Code, the chairperson of the county board of mental retardation and developmental disabilities shall appoint three members of the board to an ethics council to review all direct services contracts. The board's chairperson may be one of those appointed. The superintendent of the board shall be a nonvoting member of the council. The chairperson shall not appoint a person to the council if the person, or any member of the person's immediate family, will have any interest in any direct services contract under review by the council while the person serves on the council or during the twelve-month period after completing service on the council. If a council member or a member of the council member's immediate family has or will have such an interest, the chairperson shall replace the member by appointing another board member to the council.*

The council shall meet regularly as directed by the board to perform its duties. Minutes shall be kept of the actions of the council. The minutes shall be part of the public record of the county board.

The Ethic's Council shall meet in public, as part of a regularly scheduled meeting and the minutes of the Ethic's Council shall be part of the minutes of the regular meeting. The need for a meeting of the Ethic's Council may be recommended by the Superintendent and shall be determined by a majority of the voting members present at a meeting of a quorum of the members. The Ethics Council shall afford an affected party the opportunity to meet with the Ethics Council on matters related to a direct service contract or any other action taken by the Ethics Council.

The purpose of the Ethic Council is to determine, in accordance with 5126.033 of the Revised Code, if there is an ethical conflict with a contract. If it is determined that there is an ethical conflict, then the contract may not be considered by the Board and therefore cannot be awarded. If the Ethic's Council determines there is not an ethical conflict, the contract may be considered by the Board based on the merits and value of the service. The Ethics Council's determination shall be binding on all parties.

The Board shall perform the duties of the Ethic's Council as specified in 5126.032 of the Revised Code. If a member of the Board, or any member of the person's immediate family, has an interest in any direct services contract under review by the Board, the member of the Board shall not participate in discussion of the contract and will abstain from voting on the contract.

2. Special Committees

The Board shall authorize such special 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.

No committee shall have more than three Board members assigned to it. No more than three members of the Board shall attend any committee meeting. 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 to the Board.

3. 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.

M. Individual Support Agreements and Budgets

The Board shall established procedures for the efficient and effective approval of Individual Support Agreements and Budgets. These policies set specific authority and an approval limit for Individual Support Administrators, Director of Individual Support Administration and the Superintendent to approve plans and budgets. Where such plans are within these limits the Board has authorized action by its staff and no Board

approvals or Ethic Council reviews are required. Should an agreement and budget of a Board Member's family member require Board action as required by policy, the Board shall comply with the Ethics Council requirements.

The Board shall annually approve a Master Contract for use with entities providing services under Individual Support Agreements. The Superintendent or the Director of Individual Supports is authorized to enter into contracts with these providers without additional approval required by the Board.

N. Transaction of Business

1. Method of Voting

Voting will be maintained by voice vote. Where dissenting vote or abstention is recorded, voting shall be by roll call and yeas and nays shall be taken and entered in the records of the proceedings of the Board. Board members can, and should, refuse to vote if there is a conflict of interest and need not state a reason for the refusal to vote. Board members can refuse to vote simply by stating "Abstain."

2. Authority of Members

The Board members have authority only when acting as a Board legally in session.

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

O. Power and Duties

The following noted in *italics* is from Ohio Revised Code, Section 5126.05:

"Subject to the rules established by the Director of Mental Retardation and Developmental Disabilities pursuant to Chapter 119 of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the State Board of Education pursuant to Chapter 119 of the Revised Code for programs and services offered pursuant to Chapter 3323 of the Revised Code, the County Board of Mental Retardation and Developmental Disabilities shall:

- A. Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;*
- B. Coordinate, monitor, and evaluate existing services and facilities available to individuals with mental retardation and developmental disabilities;*
- C. Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;*
- D. Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section*

3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;

- E. Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;*
 - F. Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;*
 - G. Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;*
 - H. Provide service and support administration in accordance with section 5126.15 of the Revised Code;*
 - I. Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of mental retardation and developmental disabilities.*
- (A) To the extent that rules adopted under this section apply to the identification and placement of handicapped children under Chapter 3323 of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.*

Any County Board may enter into contracts with other such boards and with public or private, nonprofit, or profit making agencies or organization of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with Chapters 3323 and 5126 of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.

A County Board may combine transportation for children and adults enrolled in programs and services offered under sections 5126.12 and 5126.14 with transportation for children enrolled in units approved under section 3317.05 of the Revised Code.

A County Board may purchase all necessary insurance policies, may purchase equipment and supplies through the Department of Administrative Services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements.

Any County Board of Mental Retardation and Developmental Disabilities may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the Board is established and hold, apply, and dispose of the same according to the terms of the gift, grant, or bequest. All money received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such Board and shall be available for use by the Board

for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the Board members. Any interest or earnings accruing from such gift, grant, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.

The Board of County Commissioners shall levy taxes and make appropriations sufficient to enable the County Board of Mental Retardation and Developmental Disabilities to perform its functions and duties as provided by this section, and may utilize any available local, state, and federal funds for such purpose."

P. Ethics

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.

Q. Conflicts of Interest

No member shall be interested in a contract for the purchase of property, supplies or insurance for the use of the Board or out of its contracted services. The Board is specifically forbidden to expend public funds to prepare and distribute material for the purpose of promoting a bond issue or tax levy, or promoting or opposing any candidate for political office. The Board shall not expend public funds for the purposes prohibited by the laws of the State of Ohio. All questions relating to the existence of a conflict of interest shall be referred to the Prosecuting Attorney and/or the Ohio Ethics Commission for resolution.

R. Compensation: Expenses of Board Members

The following noted in italics is from Ohio Revised Code, Section 5126.02:

"...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."

S. Procedures for Addressing Conflicts of Interest and Unethical Conduct

When any member of the Board has concern regarding the ethical conduct of a member or views a member to be in conflict of interest, the member may request an executive session to present the concerns to the Board. The Board, in open session, may take action to refer a concern to the Appointing Authority or to the County Prosecutor.

T. Table of Organization

See Attachment 1.

U. Superintendent, Duties and Responsibilities

The Superintendent shall be the chief executive officer for the Board for the administration of the school, adult training center, and other program components in conformance with policies adopted by the Board. The Superintendent may delegate

responsibility to appropriate members of the administrative or supervisory staff, but he/she shall be responsible to the Board for the total operation of the system.

Pursuant to Section 5126.024 of the Revised Code, the Superintendent shall:

- (A) Administer the work of the Board, subject to the Board's rules;
- (B) Recommend to the Board the changes necessary to increase the effectiveness of the programs and services offered pursuant to Chapters 3323 and 5126 of the Revised Code;
- (C) Employ persons for all positions authorized by the Board, approve contracts of employment for management employees that are for a term of one year or less, and approve personnel actions that involve employees in the classified civil service as may be necessary for the work of the Board;
- (D) Approve compensation for employees within the limits set by the salary schedule and budget set by the Board and in accordance with section 5126.026 of the Revised Code, and ensure that all employees and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of official duties;
- (E) Provide consultation to public agencies as defined in division (C) of section 102.01 of the Revised Code, including other County Boards of Mental Retardation and Developmental Disabilities, and to individuals, agencies, or organizations providing services supported by the Board.

The Superintendent may authorize the payment of Board obligations by the County Auditor.

Other duties and responsibilities of the Superintendent may be authorized by the Board in accordance with all applicable laws and rules.

Attached: Table of Organization