

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 1 of 21

DEFINITIONS

1. "Annual organizational meeting" means the meeting held by each county board of developmental disabilities, no later than January thirty-first of each calendar year, to elect its officers and conduct other business pursuant to section 5126.029 of the Revised Code.
2. "Appointing authority" means the entity with statutory authority to appoint members to boards of developmental disabilities pursuant to section 5126.021 of the Revised Code.
3. "Board member" or "member" means a member of a county board of developmental disabilities.
4. "County board" or "board" means a county board of developmental disabilities as established pursuant to section 5126.02 of the Revised Code.
5. "Department" means the Ohio Department of Developmental Disabilities.
6. "In-service training" means department approved training of board members pursuant to section 5126.0210 of the Revised Code.
7. "Superintendent" means the chief executive of a county board appointed pursuant to section 5126.0219 of the Revised Code.
8. "Duty of Care" means that a Board member has the duty to exercise reasonable care when he or she makes a decision for the Board. Reasonable care is what an "ordinarily prudent" person in a similar situation would do.
9. "Duty of Loyalty" means that a Board member must never use information gained through his/her position for personal gain and must always act in the best interests of the Board.
10. "Duty of Obedience" means that a Board member must be faithful to the Board's mission. He or she cannot act in a way that is inconsistent with the Board's goals. The Board member is trusted by the public to manage funds to fulfill the Board's mission.
11. "Conflict of Interest" is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest."

AUTHORITY FOR ESTABLISHING POLICIES

These Board policies are adopted by the Licking 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." (From Section 5126.029 of the Ohio Revised Code)

BOARD MEMBERSHIP

The Licking County Commissioners and the senior probate judge for Licking County are the appointing authorities for the Board.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 2 of 21

-
1. The County Commissioners appoint five members of the Board. At least two individuals appointed by the Commissioners shall be persons who are eligible for services provided by the Board or are immediate family members of eligible persons. Whenever possible, one of these two members will be a person eligible for adult services or an immediate family member of a person eligible for adult services, and the other will be an immediate family member of a child eligible for early intervention services or services for preschool or school-age children.
 2. The senior probate judge appoints two members of the Board. At least one member appointed by the probate judge must be a person who is eligible for residential services or supported living or an immediate family member of a person eligible for residential services or supported living.

With the approval of the appointing authorities, the Board will collect background information on interested applicants, including references, schedule interviews, and make selection recommendations.

When making appointments to the Board, the appointing authorities will:

1. Appoint only individuals who are residents of Licking County, citizens of the United States, and interested and knowledgeable in the field of developmental disabilities and other allied fields.
2. Appoint, to the extent possible, individuals who have professional training and experience in business management, finance, law, health care practice, personnel administration, or government service.
3. Provide for the Board's membership to reflect, as nearly as possible, the composition of Licking County.

Members of the community not eligible to serve as members of the Board include:

1. An elected public official, except for a township trustee, township fiscal officer, or individual 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. An individual who has been employed by the Board within the last four calendar years;

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 3 of 21

-
5. An individual who, or whose immediate family member is, a Board member or an employee of an agency licensed or certified by the Ohio Department of Developmental Disabilities to provide services to individuals with developmental disabilities;
 6. An individual who, or whose immediate family member, is a Board member or employee of an agency contracting with the Board unless the Board passes a resolution establishing the eligibility of such person for a appointment.
 7. An individual with an immediate family member who serves as a County Commissioner in Licking County, unless the individual is a member of the County Board before October 31, 1980.

Reimbursement of Board Members

Members of the Board serve without compensation, but are reimbursed for necessary expenses incurred in the conduct of Board business. Such expenses may include, but are not limited to, mileage, meal and registration expenses as detailed in section 3.6, of the Board personnel policy manual. Annually, the Board will adopt a resolution and forward it to the Licking County Auditor's Office, authorizing payment of all allowable expenses for travel and training.

Board Terms

Board members will serve terms of four years. Except for Board members appointed to fill a vacancy, members of the Board shall be appointed or reappointed not later than the last day of November and begin their terms on the date of the Board's annual organizational meeting the following January consistent with the provisions of Section 5126.029 of the Revised Code. The membership of an individual appointed as a relative of a recipient of services shall not be terminated because the services are no longer received. The Board will collect feedback from Board members preparing to conclude their appointment and use the feedback to continually improve the Board's performance.

Orientation and In-Service Training

The Board will make provisions for new members to be oriented within the first 90 days of an appointment. This responsibility is typically performed by the Superintendent with assistance from one or more Board Members as assigned by the Board Chairperson. The orientation will address the duties of the Board, role and requirements for Board members, confidentiality and ethics, funding, Board services and supports, and other topics determined important by the Board and/or Superintendent. Initial orientation may count toward required hours of in-service training in the calendar year the Board member was initially appointed.

During each calendar year of a Board member's term, the Board member will complete a minimum of four (4) hours of in-service training, except when the Board member was appointed

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 4 of 21

after March 31st; appointed after the county board's annual organizational meeting; or when the Board member was appointed for the remainder of a former Board member's term.

- a. Board members appointed after March 31st but prior to July 1st will complete a minimum of three (3) hours of in-service training.
- b. Board members appointed after June 30th but prior to October 1st will complete a minimum of two (2) hours of in-service training.
- c. Board members appointed after September 30th but prior to the succeeding January 1st will complete a minimum of one (1) hour of in-service training.

Topics for annual Board member training may include but are not limited to:

- a. Authority and responsibility of a county board;
- b. The county board's role in Medicaid local administrative authority;
- c. Fiscal obligations of the county board;
- d. Self-evaluation of the county board;
- e. Evaluation of the superintendent;
- f. Current federal initiatives;
- g. Current state initiatives;
- h. Self-advocacy by people with developmental disabilities; and
- i. Other topics of current interest in the field of developmental disabilities.

In-service training shall not be considered as regularly scheduled meetings of the county board.

At the annual organizational meeting held by the Board each year in accordance with Section 5126.029 of the Revised Code, the Board President shall solicit recommendations from the Board as to the contents of the in-service training for the current calendar year. The President, working together with the Superintendent, shall prepare a schedule of the projected dates and times of in-training sessions and topics to be addressed, and the President is to provide this projected schedule and list of topics in writing to the Board by the regular meeting for the month of March of each year. The Board will consider the annual in-training projected schedule at its regular March meeting and may approve the schedule as presented or as it may be modified. The annual in-training projected schedule shall be entered into the record of the Board's regular March meeting.

In-service training materials will be made available to the Board electronically or in print as requested.

The Superintendent shall be responsible for obtaining prior approval from the Department of Developmental Disabilities for all in-training sessions. The Department of Developmental Disabilities may approve training in a variety of mediums including face-to-face, on-line, webinars, videos, and statewide conferences.

The Superintendent shall maintain documentation of Board member in-service training including an outline or description of the training; date, time, and location of the training; and sign in sheet or other means of attestation by the Board member that the training was completed. Annually

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 5 of 21

.....

verify to the Board of County Commissioners and the Probate Judge of Licking County Board member attendance and completion of the in-service training required by Ohio Administrative Code Section 5123:2-1-13.

Reappointments to the Board

A member of the Board may be reappointed. Prior to making a reappointment, the appointing authority will communicate with the Board to determine whether the member has met the in-service training and attendance requirements included in sections 5126.0210 and 5126.0213 of the Revised Code.

A Board member who has served during each of three consecutive terms cannot be reappointed for a subsequent term until two years after completion of the third term. However, 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 for a two-year period.

Vacancies on the Board

Within sixty days after a vacancy on the Board the appointing authority will fill the vacancy for the un-expired term. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed will hold office for the remainder of that term.

Removal of a Board Member

An appointing authority shall remove a member of the Board for any of the following reasons:

1. Neglect of duty;
2. Misconduct;
3. Malfeasance;
4. Ineligibility to serve on the Board as outlined in section 5126.023 of the Revised Code;
5. Failure to attend at least four hours of in-service training each year;
6. Failure to attend within one year four regularly scheduled Board meetings (absences from special meetings or work sessions to not apply);
7. Failure to attend within one year two regularly scheduled Board meetings if the member gave **no prior** notice of the member's absence (absences from special meetings or work sessions do not apply);

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 6 of 21

-
8. Consistently poor performance on the Board, as demonstrated by documentation the President of the Board provides to the appointing authority and the appointing authority determines is convincing evidence.

If grounds for the mandatory removal of a member of the Board under section 5126.0213 exist, the Board will supply the Board member and the member's appointing authority with written notice of the grounds.

Hearing on Proposed Removal

The appropriate appointing authority will provide a member of the Board an opportunity for a hearing on the member's proposed removal in accordance with procedures the appointing authority shall establish, unless the appointing authority requested that the Director of the Ohio Department of Developmental Disabilities waive the mandatory removal under section 5126.0214 of the Revised Code and the Director refused to issue the waiver. The appropriate appointing authority shall hold the hearing if the member requests the hearing not later than thirty days after the date that the Board sent the Board member the notice required by section 5126.0215 of the Revised Code.

If the Board member requests a hearing within the time frame provided by section 5126.0216 of the Revised Code, the appointing authority may not remove the member from the Board before the conclusion of the hearing.

Once removed by the appropriate appointing authority, a member of 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 reappointment. If the member is removed due to failure to complete required annual training, the Board will specify the training the member must complete before being eligible for reappointment.

Waiver of Mandatory Removal

The Director of the Ohio Department of Developmental Disabilities may issue a waiver, at the request of the appointing authority, which waives the requirement that a Board member be removed for failure to attend within one year, four regularly scheduled Board meetings; failure to attend within one year, two regularly scheduled Board meetings when no prior notice was given; and failure to attend at least four hours of in-service training each year.

The appointing authority must provide the Director evidence that is satisfactory to the Director that the member's absences from the in-service training sessions or regularly scheduled Board meetings are due to a serious health problem of the member, or a member of the member's immediate family. The Director's decision on whether to issue the waiver is final and not subject to appeal.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 7 of 21

.....

The Board may pass a resolution urging the appointing authority to request that the Director issue the waiver. The member whose absences from the sessions or meetings are at issue may not vote on the resolution. The appointing authority may request the waiver regardless of whether the Board adopts the resolution.

ETHICAL CONDUCT

Purpose

The Licking Board of Developmental Disabilities hereby establishes its Code of Ethics and Conduct to provide guidance to its members regarding ethical and behavioral considerations and actions as they address their duties and obligations during their appointment.

Compliance with the provisions of this Code will allow the Board to fully implement its Governance responsibilities; to enhance relationships and foster teamwork among Board members and also with staff; and to build respect, confidence, and credibility with stakeholders and members of the Licking County community.

Members shall abide by professional and ethical rules of conduct appropriate to public officials. Board members are subject to three basic legal duties in performing their responsibilities; these are duty of care, duty of loyalty, and duty of obedience.

Values

Selflessness. Board members should make decisions in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends.

Integrity. Board members should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity. In carrying out business, including making appointments, awarding contracts, or recommending individuals for rewards and benefits, board members should make choices based only on merit.

Accountability. Board members are accountable to the public for their decisions and actions and must submit themselves to whatever scrutiny is appropriate to their office.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 8 of 21

Openness. Board members should be as open as possible about all the decisions and actions they make. They should give reasons for their decisions and restrict information only when ethically and legally required.

Honesty. Board members have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership. Board members should promote and support these principles by leadership and example.

Code of Ethics

Each Board member shall adhere to the following Code of Ethics:

- A. Board members shall act with integrity and in an ethical and professional manner in their interactions with each other, the Superintendent, members of the staff, consultants, advisors, and the public.
- B. Board members shall maintain high ethical and moral character, both professionally and personally, so that their behavior will reflect positively upon the Licking County Board of Developmental Disabilities.
- C. Board members shall act with competence and shall strive to maintain and enhance their competence and that of their fellow Board members.
- D. Board members shall use proper care and exercise independent professional judgment in the performance of their duties.
- E. Board members shall maintain confidentiality about all matters that are considered in executive sessions.
- F. Board members shall follow the provisions of the Ohio Revised Code in regards to public records, owned, prepared, or in possession of the Board.
- G. Board members will meet the following criteria in order to avoid even the appearance of impropriety or conflict of interest:
 1. Board members will have no private contracts or business dealings with the Board.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 9 of 21

-
2. Board members will recuse themselves and will not participate in the consideration of any matter or attempt to affect the outcome of any issue before the Board when to do so might result in even the appearance of a conflict of interest.
 3. Board members will not abuse their authority by using their offices to obtain favorable treatment by the Board for any person, organization, or business.
 4. Board members shall receive no payments from the Board or from any funds or transactions including the Board except for appropriate compensation and reimbursement for expenses as provided by these policies and the Ohio Revised Code.
- H. Board members shall exercise due diligence to avoid breaches of duty via negligence, intentional action or omission, and unauthorized communications with individuals trying to influence by improper means or seeking to receive personal gains through Board decisions.
- I. Board members recognize that all Board decisions and actions are to be based on integrity, competence, and independent judgment on the merits and consequences of such decisions for Board-eligible children and adults.

Standards of Conduct

Board members shall comply with the following standards of conduct:

- A. Board members shall not engage in conduct that would compromise, discredit, or diminish the integrity of the Board.
- B. The Board will respect the authority of the Superintendent and will provide instruction and direction only to the Superintendent. The Board will not instruct the Superintendent in regards to specific operational decisions.
 1. All requests for assistance and information will be made through the Superintendent.
 2. The Board will respect the Superintendent's authority in all personnel matters.
 3. Board members will redirect staff that attempt to use Board members as their representatives or use Board members as an avenue for input to the Superintendent.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 10 of 21

-
- C. No individual member shall give orders or instructions to any Board staff member other than the Superintendent. This does not preclude an individual member from offering his or her opinion, based upon his or her expertise and/or experience, when a staff member requests such an opinion.
 - 1. Board members must recognize that, as individuals or as subgroups, they lack the authority to give orders or direction to the Superintendent except when such instruction is given by the whole Board.
 - 2. Individual Board members are not to become involved in operational management of the Board.
 - D. Board members will strive to establish sound working relationships with each other by taking time to know and appreciate each other as individuals. Board members will be respectful of each other and consider the opinions of others during deliberations, strive for integration of viewpoints or consensus building in decision-making, and will respect the corporate judgment of the Board in regards to its decisions.
 - E. Board members will refrain from using Board meetings to advance their personal agenda.
 - F. Board members will strive to cultivate and maintain good relations with the public, press, and constituent groups; however, they will recognize their limitations to speak for the Board.
 - G. Individual Board members shall refer all proposals or other communications regarding potential or existing programs, contracts, or services to the Superintendent.

Gifts

- A. A Board member shall not solicit or receive a gift or favor from any person, company, or organization, or from any intermediary interest, that may compromise or appear to compromise the independent judgment of the member regarding his or her obligations to the Board.
- B. Any gift received by a Board member that is prohibited by this policy shall immediately be returned to its source.

General Provisions

- A. The provisions of this policy do not excuse any Board member from other restrictions of state or federal law regarding conflicts of interest.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 11 of 21

-
- B. Alleged violations of ethical conduct will be referred to the Board President, who will document known facts and forward the matter to the Board member's appointing authority for disposition. Only the appointing authority may remove a board member. If alleged violations of ethical conduct involve the Board's President, then the Board's Vice-President will assume responsibility for referring the matter to the appropriate appointing authority.

 - C. All Board members will sign an affirmation pledging to honor and follow, according to both the letter and the spirit, this Code of Ethics and Conduct.

CONFLICTS OF INTEREST

No individual may be appointed or reappointed to the Board unless the individual, before the appointment or reappointment, provides to the appointing authority a written declaration specifying the following:

- 1. That no circumstance(s) described above exists that bars the individual from serving on the Board; and

- 2. Whether the individual or an immediate family member of the 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 identity of the agency and the nature of the relationship to that agency.

On appointment or reappointment of an individual to the Board, the appointing authority shall provide a copy of the individual's declaration to the Superintendent of the Board. The declaration will be considered a public record.

Individual members shall not speak for the entire Board on matters of Board business unless authorized to do so by the full Board. No member shall be interested in a contract for the purchase of equipment, services, property, supplies or insurance for use by the Board. The Board shall not approve the expenditure of public funds for purposes prohibited by the laws of the State of Ohio.

The Board will submit any questions relating to the existence of a conflict of interest to the Licking County Prosecutors office and/or the Ohio Ethics Commission.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 12 of 21

CONFIDENTIALITY

Personnel Information

Unless otherwise provided by law, personnel files, payroll, and related information shall not be used or divulged for purposes not directly connected with the management of the Board, except by the written consent of the employee affected. The exception to this is a request for public records. See the Public Records Policy, Section 1.6 of the Board's Administrative Policies manual. Official personnel files are maintained by the Superintendent on all employees and shall include, but are not limited to, individual employment data, payroll information, work time schedules, records of additions or deductions paid, application forms, records pertaining to hiring, promotion, demotion, transfer, layoff, termination, or other personnel actions.

Records of Persons Served

All information contained in the records of persons served by the Board, including information maintained electronically, shall be considered confidential. The content of these records is never the subject for discussion, except for situations when a designated staff member is acting as an official member of a service planning team. A breach in confidentiality occurs when confidential information, including but not limited to protected health information as defined by the Health Insurance Portability and Accountability act is passed along to a second individual without the express written authority of the adult individual, his or her legal guardian, or the legal guardian of a minor child.

BOARD MEETINGS

Meetings: Annual Organizational Meeting

The Board will hold an annual organizational meeting no later than the thirty-first day of January each year and shall elect its officers. The Board shall meet in regularly scheduled sessions at least ten times during each calendar year, not including in-service training sessions. A majority of the Board constitutes a quorum. A record shall be kept of Board proceedings, which shall be open for public inspection.

Election of Officers

The election of officers shall be at the annual organizational meeting or at a special meeting called for that purpose. Nominations for officers will be brought to the Board by a nominating committee appointed by the President and/or by nominations from the floor. The election may be by ballot or by voice vote. There shall be elected a President, Vice-President, and Secretary who shall be elected for one year and shall serve until their successors are elected. No member shall hold more than one office.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 13 of 21

Any officer may be removed by a majority vote of the Board at any regular meeting or at a special meeting called for that purpose. Any vacancy shall be filled by the Board at the next regularly scheduled meeting after the vacancy occurs or prior to that at a special meeting called for that purpose.

Public Notice

Public notice of all regular, organizational and special 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 on the Board's website, and shall be transmitted to the local newspaper, radio stations, and any other news media requesting such postings for publication. 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 and shall provide said notice to the local newspaper, radio stations, and any other news media requesting copies for publication.

Any member of the community, including news media, may contact the Board's administrative offices and request to be notified in advance of special meetings or meetings at which public business is discussed. The Superintendent is responsible for assuring these requests are satisfactorily addressed.

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 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.

Notices to the Public of Emergency Meetings

In the event that an emergency meeting is called, the Superintendent shall, to the extent possible, immediately post a statement of the time, place and purpose of such emergency meeting.

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

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 14 of 21

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

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 will vote when there is a tie vote on a motion or resolution.

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 are obligated to vote, unless they have a legitimate reason to abstain or unless they wish to be regarded as assenting to the decision of the voluble majority.

Open Meetings

All regular, organizational and special meetings of the Board shall be open to the public at all times consistent with the provisions of the Ohio Revised Code.

Method of Voting and Authority of Members

Voting may be by voice or by secret ballot, as determined by the Board.

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 or staff member, except when such statement or action is in pursuance of specific instructions by the Board. The Board acts only as a body, at public meetings, in decisions openly arrived at and formally recorded.

Rules of Order

The Board shall observe Robert's Rules of Order Revised, except as otherwise provided by this policy or by statute.

Agenda

Prior to any regular Board meeting, the Superintendent shall prepare and deliver a copy of the agenda to the members of the Board, and will post the agenda on the Board's website. The Superintendent, in consultation with the Board President, shall prepare a proposed agenda for each meeting of the Board. The Board may amend the proposed agenda before it is officially adopted by action of the Board. The order of business at each meeting shall be:

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 15 of 21

-
1. Roll Call
 2. Approval of Agenda
 3. Minutes of Previous Meeting
 4. Approval of Bills
 5. Hearing of Visitors
 6. Correspondence and Committee Reports
 7. Superintendent's Report
 8. Old Business
 9. New Business
 10. Hearing of Visitors
 11. Adjournment

Participation by Members of the Community

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 for the public to address the Board.

The Board endorses the principle of open communication between the public and the Board and between the Superintendent and staff, and communication between all personnel 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. This is so members of the Board can ask questions of the speaker 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.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 16 of 21

.....

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.

Executive Sessions

The Board is 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. The motion must state the general nature of the business to be discussed at the executive session. The members of the Board may hold an executive session for the sole purpose of considering any of the following matters:

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 except as otherwise provided by law, unless the public employee, official, licensee, or regulated individual requests a public hearing.
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 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 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, leasees or transferees of the property is concerned.

3. Conferences with an attorney assigned to or hired by the Board, concerning disputes 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 rules or state statutes.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 17 of 21

6. Specialized details or security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing or avoiding prosecution for a violation of the law.

Minutes of Proceedings

Copies of the minutes shall be prepared promptly after each meeting and shall be given to the Superintendent for distribution to the Board members prior to the next regularly scheduled Board meeting.

The minutes of the preceding meeting(s), with any changes authorized by a motion properly made and carried, shall be approved by the Board at each regular meeting. Minutes shall be kept in the Board's administrative offices and shall be open for public inspection.

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.

BOARD COMMITTEES

The Board may operate as a committee of the whole.

Standing Committees

The Board shall authorize such standing committees as are deemed necessary. The President will appoint the members of any standing committee. The President and Superintendent shall be ex-officio members of all committees of the Board and of all committees and commissions appointed by the Board. A committee shall report its recommendations to the Board for appropriate action.

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. 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.

Ethics Council

Membership of a person on the Board, or employment of a person by the Board, shall not affect the eligibility of a Board member's family, or a staff member's family, for services provided or paid for by the Board. Therefore, the Board has created an Ethics Council to review all direct services contracts. A direct services contract is defined by the Ohio Revised Code Section

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 18 of 21

5126.03 as 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. Direct services contracts include but may not be limited to supported living, family consortiums, and family support services.

The president of the Board shall appoint three members of the Board to the Ethics Council at its annual organizational meeting. The president may be one of the three members of the Board to serve on the Ethics Council. 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 immediate family, has or is likely to have any interest in any direct services contract under review by the Council while the member serves on the Council or during the twelve month period after completion of the member's service on the Council.

The role of the Ethics council shall be to review and recommend to the full Board for approval or disapproval, all direct service contracts. The council may also develop recommendations regarding ethical standards, contract audit procedures and grievance procedures with respect to the award and reconciliation of direct service contracts and make those recommendations to the full Board.

The Ethics Council shall meet monthly or as needed to perform its functions. Ethics Council meetings shall comply with Ohio Revised Code 121.11(the Sunshine Law) and any case law interpreting this statute. The Ethics Council shall afford an affected party the opportunity to meet with the Council on matters under consideration by the Ethics Council. Minutes will be taken at all Ethics Council meetings and shall be part of the public record of the Board.

All contracts and information provided to the Ethics Council shall be sent by the Superintendent or designee, with appropriate certification that the contracts are within available resources and appropriation made by the Board. The Ethics Council, during any regular meeting, shall determine whether the amount to be paid under each contract is appropriate based on the individual's service needs and reasonable and allowable cost 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 unfair advantage over other eligible persons.

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 the contract or shall suggest acceptable, specific revisions. The Board shall not enter into any contract that is not recommended by the Ethics Council nor shall it enter into any contracts to which revisions are suggested if the contract does not include the specified revisions.

The Board, by resolution, shall enter into each direct services contract that the Ethics Council recommends or recommends with specific revisions. The Board may request the prosecuting attorney to prepare a legal review of recommended direct services contracts to determine compliance with state law.

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 19 of 21

.....

The Ethics Council shall in no way allow a Board member or staff member to authorize, or use the authority of his/her office or employment to secure authorization of a direct services contract that the Board member or staff member may benefit from in any way.

A. Ethics Council Grievance Procedure

To provide a uniform and fair manner to address grievances regarding denial or reconciliation of direct service contracts between the Licking County Board of Developmental Disabilities and eligible individual or immediate family members as defined in Section 5126.032 of the Ohio Revised Code, the following should occur:

1. Representatives of the Board and the individual shall first meet informally and confer in good faith to attempt to resolve any problems, disputes or grievances which may arise in the course of a contract, the denial of a contract, or reconciliation of a contract.
2. The grievance may be initiated by either the individual or a representative of the individual and is intended to provide a more formal mechanism for addressing matters of dispute when informal means have been unsuccessful.
3. Issues for which this formal process are invoked must relate in some manner to a specific provision of the contract and the Board action (or inaction) in relation thereto.
4. The party invoking this process shall do so by sending written notice to the Superintendent of the Licking County Board of Developmental Disabilities.
 - a. This written notice is to be sent within forty-five (45) days of the time the matter of dispute took place or the time the disputing party had opportunity to learn of the matter.
 - b. This written notice shall state explicitly that the formal dispute resolution process called for in this policy is being invoked.
 - c. This written notice shall identify this specific action or inaction which is being contested and reference the specific contract provision which is allegedly being violated.
5. Within fourteen (14) days of the receipt of such written notice, the Superintendent of the Board and the individual and/or representative shall meet and attempt to resolve the matter in dispute. The Superintendent shall convey a decision on the matter within fourteen (14) days of the meeting.
6. If the individual is not satisfied with the decision of the Superintendent, he or she may write directly to the Chairperson of the Board to appeal the Superintendent's decision. The appeal shall be sent within fourteen (14) days of receipt of the Superintendent's decision and shall include a description of what points of dispute remain, what resolution the individual is seeking, and any relevant documentation which bears on the matter.
7. The Chairperson of the Board shall then arrange for a joint meeting of the individual and/or representative and the Board to review the matter(s) in dispute and attempt to

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 20 of 21



resolve it. This meeting shall take place at a mutually agreeable time within thirty (30) days after the appeal has been received by the Board Chairperson.

8. The Board shall communicate its decision in writing to the individual within fourteen (14) days of the joint meeting. The Board's decision shall be final.
9. By mutual consent, a third-party mediation procedure may be incorporated into the dispute resolution process at any point.
10. By mutual consent, any of the timelines contained in this policy may be extended, and any intermediate steps may be skipped.

OUTSIDE REPRESENTATION

The Licking County Prosecutor's Office is the legal representative of the Board. However, with written permission of the Prosecutor, the Board may engage outside legal counsel. The Board may also solicit the services of other outside experts or advisors as are determined to be necessary for information and advice on matters before the Board. The decision to seek outside experts and/or advisors will require the introduction of a formal motion duly seconded and sustained by the majority of members present.

DONATIONS

The Board shall take formal action to accept any gift or donation that is a.) restricted by the donor; b.) a non-cash donation including title to property, or equipment valued at \$5,000 or more; and c.) a cash donation of \$5,000 or more. Appropriate appreciation and acknowledgement in writing shall be made for any gift or donation.

Presentation of memorials or other awards shall be fittingly recognized, but in no case shall such action be considered an endorsement of a product or business enterprise.

SUPERINTENDENT

The Board shall either employ a Superintendent or obtain the services of the Superintendent of another board of developmental disabilities. The Board shall provide for a Superintendent who is qualified in accordance with Ohio Administrative Code 5123:2-5-03. The Superintendent will serve as an ex-officio member of the Board and shall have no voting privileges.

The Board shall prescribe the duties of its Superintendent and review the Superintendent's performance. The Superintendent may be removed, suspended, or demoted for cause pursuant to section 5126.23 of the Revised Code. The Board shall fix the Superintendent's compensation and reimburse the Superintendent for actual and necessary expenses. The Board, through its membership in the Ohio Association of County Boards of Developmental Disabilities (OACB), has access to salary data gathered by the OACB on an annual basis. This salary survey

Licking County Board of Developmental Disabilities

Administrative Policy Manual

Policy: Policies Governing the Board

Board Approved: 5/86

**Revised: 1/93, 9/08, 6/11, 3/12, 2/14
7/14, 9/14**

Section: 6.2

Page 21 of 21

.....
information may be used by the Board to evaluate the Superintendent's compensation.

To enter into a contract with a qualified Superintendent, the Board shall adopt a resolution agreeing to the contract. Each contract for employment or re-employment of a Superintendent shall be for a term of not less than one and not more than five years. At the expiration of a Superintendent's current term of employment, the Superintendent may be re-employed. If the Board intends not to re-employ the Superintendent, the Board shall give the Superintendent written notification of its intention not less than ninety days prior to the expiration of the Superintendent's contract.

If a vacancy occurs in the position of Superintendent, the Board may appoint a person who holds a valid Superintendent's certificate issued under the rules of the Ohio Department of Developmental Disabilities to work under a contract for an interim period not to exceed one hundred and eighty days, until a permanent Superintendent can be employed or arranged for. The director of the Ohio Department of Developmental Disabilities may approve additional periods of time for an interim appointment when so requested by a resolution of the Board.

The Superintendent's duties will include, but may not be limited to the following responsibilities:

1. Administer the work of the Board, subject to the Board's policies;
2. Recommend to the Board the changes necessary to increase the effectiveness of the programs and services provided by or arranged by the Board;
3. 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;
4. Approve compensation for employees within the limits set by the salary schedule and budget set by the Board and ensure that all employees and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of their official duties;
5. Provide consultation to public agencies, individuals, agencies, or organizations providing services supported by the Board;
6. Authorize the payment of Board obligations by the county auditor.