

POWERS AND DUTIES OF THE BOARD

- A. The Portage County Board of Developmental Disabilities (hereinafter referred to as the Board) shall be operated as a separate administrative and service entity. The functions of the Board shall not be combined with the functions of any other entity of Portage County government.
- B. Subject to the rules established by the Director of the Ohio Department of Developmental Disabilities (DODD) pursuant to Chapter 119. of the Ohio Revised Code (ORC) for programs and services offered pursuant to chapter 5126. of the ORC, 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 ORC, the Board shall:
 - 1. Administer and operate facilities, programs, and services as provided by chapter 5126. and chapter 3323. of the ORC and establish policies for their administration and operation;
 - 2. Coordinate, monitor, and evaluate existing services and facilities available to individuals with developmental disabilities in Portage County;
 - 3. Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the ORC;
 - 4. Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the ORC and ensure that related services, as defined in section 3323.01 of the ORC, are available according to the plan and priorities developed under section 5126.04 of the ORC;
 - 5. Adopt a budget; authorize expenditures for the purposes specified in chapter 5126. of the ORC and do so in accordance with section 319.16 of the ORC, 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 of DODD;
 - 6. Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the ORC, to the Director of DODD, the Superintendent of Public

Instruction, and the Board of Portage County commissioners at the close of the fiscal year and at such other times as may reasonably be requested;

7. 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 ORC, and contract for employee benefits;
8. Provide service and support administration in accordance with section 5126.15 of the ORC;
9. Certify respite care homes pursuant to rules adopted under section 5123.171 of the ORC by the Director of DODD.
10. To the extent that rules adopted under section 5126.05 of the ORC apply to the identification and placement of children with disabilities under Chapter 3323. of the ORC, such rules shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the ORC.
11. The Board may enter into contracts with other such Boards and with public or private, nonprofit, or profit-making agencies or organizations 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 chapter 5126. of the ORC and Chapter 3323. of the ORC and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the ORC.
12. The Board may combine transportation for children and adults enrolled in programs and services offered under section 5126. of the ORC with transportation for children enrolled in classes funded under section 3317.20 or units approved under section 3317.05 of the ORC.
13. The 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.

14. A county board 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 moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property 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, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.
15. The Board of Portage County Commissioners shall levy taxes and make appropriations sufficient to enable the Board to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

DATE OF BOARD AMENDMENT:	<u>JANUARY 18, 2012</u>
DATE OF AMENDMENT:	<u>FEBRUARY 20 2008</u>
Next Scheduled Review:	<u>JANUARY 2013</u>
DATE OF AMENDMENT:	<u>MARCH 22, 2006</u>
DATE OF ADOPTION:	<u>DECEMBER 11, 1984</u>

Reference: ORC Chapter 119; sections 307.86, 309.10, 319.16; Chapter 3317; sections 3317.05, 3317.20; Chapter 3323; sections 3323.01, 3323.03 to 3323.05, 3323.09, 5123.171; Chapter 5126.; sections 5126.4, 5126.05, 5126.071, 5126.12, & 5126.15.

Replaces Policy 1.07: Responsibilities of the Board-February 20, 2008

MEMBERSHIP

The Portage County Board of Developmental Disabilities (hereinafter referred to as the Board) shall consist of seven (7) members, five (5) of whom shall be appointed by the Board of Portage County Commissioners (hereinafter referred to as the Commissioners), and two (2) of whom shall be appointed by the Portage County Probate Judge. Each appointed member shall be a resident of the county, a citizen of the United States, and interested and knowledgeable in the field of developmental disabilities and other allied fields.

Of the members appointed by the Commissioners, at least two (2) shall be immediate family members of individuals eligible for services provided by the 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 pre-school or school-age children.

Of the two members appointed by the Probate Judge, at least one individual shall be an immediate family member of an individual eligible for residential services or supported living as defined in sections 5126.01(O) and 5126.01(U)(1) & (U)(2) of the Ohio Revised Code (ORC.)

Beyond the criteria above, the appointing authority shall 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 and provide for the Board's membership to reflect, as nearly as possible, the composition of Portage County.

As used in this Policy, immediate family member means: parents, brothers, sisters, sons, daughters, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law.

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 both of the following:

- (1) That no circumstance described in section 5126.023 of the ORC exists that bars the individual from serving on the Board;
- (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.

The *Declaration by Member of the Portage County Board of Developmental Disabilities*, herein attached and made a part of this policy shall be used to satisfy these two requirements.

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 is a public record for the purpose of section 149.43 of the ORC.

Annually and no later than the Board's annual organizational meeting, to be held no later than the thirty-first day of January of each year, each member not newly appointed or reappointed, shall complete and submit to the Superintendent of the Board, the *Declaration by Member of the Portage County Board of Developmental Disabilities*, herein attached and made a part of this policy. This declaration is a public record for the purpose of section 149.43 of the ORC.

DATE OF BOARD AMENDMENT:	<u>June 18, 2014</u>
DATE OF BOARD AMENDMENT:	<u>January 18, 2012</u>
DATE OF BOARD AMENDMENT:	<u>February 16, 2011</u>
DATE OF BOARD AMENDMENT:	<u>FEBRUARY 15, 2006</u>
DATE OF BOARD AMENDMENT:	<u>June 27, 2005</u>
DATE OF BOARD AMENDMENT:	<u>APRIL 17, 2002</u>
DATE OF BOARD ADOPTION:	<u>DECEMBER 11, 1984</u>

REFERENCE: Ohio Revised Code sections: 149.43; 5126.01, 5125.021, 5126.022, 5126.024, 5126.025, & 5126.026.

**TIME AND TERM OF APPOINTMENT AND REAPPOINTMENT OF MEMBERS OF
BOARD**

Except for members appointed under section 5126.027 of the Ohio Revised Code (ORC) to fill a vacancy members of the Portage County Board of Developmental Disabilities (hereinafter referred to as the Board) 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 as provided under section 5126.029 of the ORC, and serve terms of four (4) 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 policy and section 5126.0218 of the ORC, a member of the Board may be reappointed to the Board. Prior to making a reappointment, the appointing authority shall ascertain, through written communication with the Superintendent of the Board, that the member being considered for reappointment meets the requirements of sections 5126.022 and 5126.0218 of the ORC.

A member who has served during each of three (3) 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 ten (10) years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two years.

DATE OF BOARD AMENDMENT:	<u>June 18, 2014</u>
DATE OF BOARD AMENDMENT:	<u>JANUARY 18, 2012</u>
DATE OF BOARD AMENDMENT:	<u>FEBRUARY 15, 2006</u>
DATE OF BOARD AMENDMENT:	<u>APRIL 17, 2002</u>
DATE OF BOARD ADOPTION:	<u>DECEMBER 11, 1984</u>

Reference: Ohio Revised Code sections 5126.0218, 5126.022, 5126.025,
5126.026, 5126.027, 5126.029

FILLING OF VACANCY ON BOARD FOR UNEXPIRED TERM

Within sixty (60) days after a vacancy on the Board occurs, including a vacancy created under section 5126.213 of the Ohio Revised Code (ORC) (i.e., Grounds for removal of member of Board, 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 Portage County,

The Superintendent and/or the Board may recommend to the appointing authority a person(s) whom it deems qualified, to fill any vacancy or expired term of any of its members.

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.

DATE OF BOARD AMENDMENT: June 18, 2014

DATE OF BOARD AMENDMENT: JANUARY 18, 2012

DATE OF BOARD AMENDMENT: September, 25, 2009

by the Superintendent as authorized by
Resolution 09-08-07 Board Name Change approved
August 19, 2009.

DATE OF BOARD AMENDMENT: FEBRUARY 15, 2006

DATE OF BOARD ADOPTION: DECEMBER 11, 1984

Reference: Ohio Revised Code sections 5126.0213, 5126.027

REASONS FOR REMOVAL OF BOARD MEMBER

A. Subject to § 5126.0214 through §5126.0223 of the Ohio Revised Code (hereinafter ORC), an appointing authority (either Portage County Board of Commissioners or Portage County Probate Judge) shall remove a member of the Portage County Board of Developmental Disabilities (hereinafter Board) for any of the following reasons:

1. neglect of duty
2. misconduct
3. malfeasance
4. ineligibility to serve on the Board pursuant to § 5126.029 of the Ohio Revised Code
5. failure to attend at least four-hours of in-service training each year
6. failure to attend within one year four (4) regularly scheduled Board meetings
7. failure to attend within one year two (2) 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 provided to the appointing authority and the appointing authority determines is convincing evidence

B. The removal provisions of sections (A)(6) and (A)(7) of this policy do not apply to absences from special meetings.

DATE OF BOARD AMENDMENT: JUNE 18, 2014
DATE OF BOARD AMENDMENT: MARCH 22, 2006
DATE OF BOARD AMENDMENT: JUNE 27, 2005
DATE OF BOARD ADOPTION: DECEMBER 11, 1984
Reference: ORC §5126.0214 through §5126.0217; §5126.023

ORGANIZATION OF BOARD

- A. Pursuant to §5126.029 of the Ohio Revised Code (hereinafter ORC), the Portage County Board of Developmental Disabilities (hereinafter Board) shall hold an organizational meeting no later than the thirty-first day of January of each year and shall organize itself by electing for one (1) year terms, a President, Vice-President, and Recording Secretary, who shall serve until the successor of each is elected. No member shall hold more than one office during any given year.
- B. The Board at the organizational meeting shall fix the time and place for holding regular meetings, subject to amendment by the Board.
- c. 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 (10) times annually in regularly scheduled sessions in accordance with §121.22 of the ORC, 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.

DATE OF BOARD AMENDMENT: JUNE 18, 2014
 Next Scheduled Review: MAY 2015
 DATE OF BOARD AMENDMENT: FEBRUARY 20, 2008
 DATE OF BOARD AMENDMENT: FEBRUARY 15, 2006
 DATE OF BOARD AMENDMENT: APRIL 17, 2002
 DATE OF BOARD ADOPTION: DECEMBER 11, 1984
 Reference: ORC §121.22, 5126.029
 Replaces Former Policy 1.16 Meetings and Conduct of Meetings &
 Former Policy 1.17 Time and Place of Meeting

Board Member Eligibility Declaration

Declaration of Eligibility Prior to Appointment or Reappointment to a County Board of DD

I, _____, make the following declaration in accordance with O.R.C. §5126.024:
Print name

Circle Yes or No in response to the following statements in accordance with R.C. §5126.024:

- Yes / No I or my immediate family member have an ownership interest in _____, an agency that has a contract with the board. The nature of this ownership interest is as follows:

- Yes / No I or my immediate family member has a contract with _____, an agency that has a contract with the board. The nature of the contract is as follows: _____
- Yes / No I am an elected public official, other than a township trustee, township fiscal officer, or individual excluded from the definition of public official or employee in R.C. §102.01(B).
- Yes / No I have an immediate family member who is a member of the board.
- Yes / No I am an employee of the board.
- Yes / No I am an employee of another county board of developmental disabilities.
- Yes / No I have an immediate family member who is an employee of the board.
- Yes / No I am a former employee of the board and my employment ceased less than four calendar years before I would begin to serve as a member of the board.
- Yes / No I am a former employee of another county board of developmental disabilities and my employment ceased less than two years before I would begin to serve as a member of the board.
- Yes / No I am 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. If you answer "yes," please identify the agency and explain whether a conflict of interest exists.

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Board Member Declaration of Eligibility

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Yes / No I have an immediate family member who serves as a county commissioner of the county served by the board.

Yes / No I have an immediate family member who 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.

If you answered "yes," please identify the agency and explain whether a conflict of interest exists.

SIGNATURE: _____ DATE: _____

Received by Appointing Authority:

NAME: _____ DATE: _____

TITLE: _____

NOTE: "Immediate family" means parents, grandparents, brothers, sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law (definition from Ohio Revised Code §5126.01).