

ETHICS COUNCIL POLICY

The Erie County Board of Developmental Disabilities (Board) supports the belief that membership of a person on the Board, or employment of a person by the Board does not affect the eligibility of any family member for services provided by the Board directly or under contract. Thus, the Board shall annually appoint an Ethics Council to review direct service contracts in order to assure requirements are met in accordance with Ohio Revised Code 5126.03 through 5126.033.

The Superintendent shall establish, revise and keep current the procedures to be utilized in the implementation of this policy. The Superintendent/ designee shall ensure compliance with these procedures. All revisions and changes will be shared with the Board when made.

Superintendent Signature: Carri Beier Date: 11/16/17

Implemented: 1/16/06

Board Approval: 1/16/06, 3/19/11, 9/17/15, 11/16/17

Revised: 3/9/11, 9/17/15, 11/14/17

Reviewed: 3/9/11, 9/17/15, 11/14/17

Cross Reference: Ohio Revised Code 5126.03, 5126.031, 5126.032 and 5126.033

Forms: Ethics Council Minutes & Agenda

ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES ETHICS COUNCIL PROCEDURE

I. DIRECT SERVICE CONTRACT REQUIREMENTS

Direct Service Contract Definition: Any legally enforceable agreement with an individual, agency, or other entity that may result in a payment from the Board to an eligible person or to a member of the immediate family of an eligible person for services rendered to the eligible person. This includes, but is not limited to, contracts for supported living, family support services and transportation services.

- A. The Board does not enter into a direct services contract unless the contract is limited either to the actual amount of the expenses or to a reasonable and allowable amount projected by the Board.
- B. The Board does not enter into a direct services contract that would result in payment to a board member, former board member, employee, former employee, or member of the immediate family of a board member, former board member, employee, or former employee if the person who would receive services under the contract stands to receive any preferential treatment or any unfair advantage over other eligible persons.
- C. The Board does not enter into a direct services contract for services that result in the employment of an individual who is also an employee of that county board unless all of the following conditions are met:
 - 1. The employee is not in a capacity to influence the award of the contract.
 - 2. The employee has not attempted in any manner to secure the contract on behalf of the individual, agency, or other entity.
 - 3. The employee is not employed in a management level two or three position and does not provide Service and Support Administration.
 - 4. The employee is not employed by the Board during the period when the contract is developed as an administrator or supervisor responsible for approving or supervising services to be provided under the contract and agrees not to take such a position while the contract is in effect, regardless of whether the position is related to the services provided under the contract.
 - 5. The employee has not taken any actions that create the need for the services to be provided under the contract.
 - 6. The individual, agency, or other entity seeks the services of the employee because of the employee's expertise and familiarity with the care and condition of one or more eligible persons and other individuals with such expertise and familiarity are unavailable, or an eligible person has requested to have the services provided by that employee.

II. ETHICS COUNCIL REQUIREMENTS

- A. Annually at the organizational meeting of the Erie County Board of Developmental Disabilities the Board President will appoint three (3) members of the Board to an Ethics Council to review all direct services contracts. The Board President may be one of those appointed. The Superintendent of the Board shall be a non-voting member of the council. The President 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 members' immediate family has or will have such an interest, the President will replace the member by appointing another board member to the council.

- B. The council will meet regularly before each scheduled Board meeting. Minutes of the actions of the council will be kept. The minutes will be part of the public record of the Board.
- C. Any action taken by the council on direct services contracts under its review will be in public. The council will afford an affected party the opportunity to meet with the council on matters related to a direct services contract or any action taken by the council.
- D. The council will review all direct services contracts and approve or disapprove each contract in accordance with the above stated policy.
- E. The council will consult with the prosecuting attorney regarding changes to or recommendations on ethical standards, contract audit procedures, and grievance procedures with respect to the award and reconciliation of direct services contracts.
- F. The Superintendent, or an employee of the county board designated by the Superintendent will certify to the council a copy of each proposed direct services contract or contract renewal at a reasonable time before the contract would take effect if entered into or renewed, if, at the time the contract or renewal is proposed, resources approved by the Board for such purposes are available.
- G. The council will promptly review each direct services contract certified to it and recommend that the Board either: enter, not enter, or enter with specified revisions into the contract. The Superintendent or designee shall provide all the information the council needs to make its determinations.
- H. The council shall certify to the Board its recommendation regarding each contract.
- I. The Board, by resolution, shall enter into each direct services contract that the council recommends or recommends with specified revisions. The Board will not enter into any contract that is not recommended by the council or enter into any contract to which revisions are suggested if the contract doesn't include the specified revisions.
- J. The prosecuting attorney, at the request of the Board, shall prepare a legal review of any direct services contract that has been recommended, or recommended with revisions, by the council. The Board will enter into only those contracts submitted for review that are determined by the prosecuting attorney to be in compliance with state law.
- K. The Superintendent of the Board will notify the employee and individual, agency, or other entity that seeks the employee's services of the ethics council's determination as outlined in section I.,C. of this policy and under section 5126.032 of the Ohio Revised Code regarding the contract. The council's determination shall be binding on all parties.
- L. An employee who is the subject of the contract outlined in section I.,C. shall inform the Superintendent of the county board of any employment the employee has outside the county board that is with any individual, agency, or other entity that has a contract with the county board.

**ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES
ETHICS COUNCIL MINUTES**

Date: _____

I. Certification (for completion by the Superintendent or designee)

Identify the direct service contract under review by the ethics committee:

1. Is this contract within the guidelines of our current Board budget for the identified service?
_____ Yes _____ No
2. Does the person who would receive services under the contract stand to receive any preferential treatment or any unfair advantage over other eligible persons?
_____ Yes _____ No
3. Does this contract for services result in the employment of an individual who is also an employee of the county board?
_____ Yes _____ No
4. List below any other significant information relevant to the ethics committee decision:

II. Contract Recommendation:

- _____ Recommend the Board approve this contract.
- _____ Recommend the Board disapprove this contract.
- _____ Recommend the contract be referred to the prosecutor for consultation.
- _____ Recommend the contract be approved contingent on the following modifications noted: _____

Signature/Date Approved Opposed Abstained (Circle one)

Signature/Date Approved Opposed Abstained (Circle one)

Signature/Date Approved Opposed Abstained (Circle one)

- The above Board Members are not related to the direct service contract provider.
- The following Board Members abstained from voting due to having a relationship with the direct service contract provider:

**ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES
ETHICS COUNCIL MEETING
AGENDA**

Date: _____

1.0 Roll Call

2.0 Approval of Minutes

3.0 Contract Approvals/Renewals:
