

BOARD BY- LAWS POLICY

This policy establishes by-laws for the Board of the Erie County Board of Developmental Disabilities in accordance with Ohio Revised Code Section 5126.

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 or changes will be shared with the Board when made.

Superintendent Signature: Carrie Beron Date: 12/21/17

Implemented: 01/2005

Board Approval: 01/2005, 01/17/08, 12/15/11, 12/21/17

Reviewed: 12/12/17

Revised: 1/17/08, 11/14/11, 12/12/17

Cross Reference: Ohio Revised Code Section 5126, ECBDD Table of Organization, Participation of Citizens at Board Meetings Policy, Board Superintendent Evaluation Policy

**ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES
BOARD BY-LAWS PROCEDURE**

I. NAME

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

II. AUTHORITY FOR ESTABLISHING POLICIES

This Board Policy Manual is adopted by the Board under authority granted to it by statutes of the State of Ohio, which are outlined in ORC Section 5126.05, Powers and Duties. By-laws may be amended by a two-thirds majority of the Board at a regular or special Board meeting. Reference to the ORC shall be noted by section.

III. APPOINTMENT AND MEMBERS

A. The following noted in *italics* is from ORC Section 5126.021 and 5126.022:

Each county board of developmental disabilities shall consist of seven members. The board of county commissioners of the county shall appoint five members and the senior probate judge of the county shall appoint two members.

When making appointments to a county board of 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 intellectual disabilities and other allied fields;*
- (B) *If the appointing authority is a board of county commissioners, appoint at least two individuals who are eligible for services provided by the county board or are immediate family members of such individuals. The board of county commissioners shall, whenever possible, ensure that one of those two members is an individual eligible for adult services or 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 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 that the county board serves.*
- (F) At the time of appointment, each Board member shall sign a declaration indicating they are in compliance with the above section of the by-laws.

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B. The following noted in *italics* is from ORC Section 5126.023:

None of the following individuals may serve as a member of the county board of developmental disabilities:

- (A) *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;*
- (B) *An immediate family member of a member of the same county board;*
- (C) *An employee of any county board;*
- (D) *An immediate family member of an employee of the same county board;*
- (E) *A former employee of a county board whose employment ceased less than four calendar years before the former employee would begin to serve as a member of the same county board;*
- (F) *A former employee of a county board whose employment ceased less than two years before the former employee would begin to serve as a member of a different county board;*
- (G) *Unless there is no conflict of interest, an individual who or whose immediate family member is a board member of an agency licensed or certified by the department of developmental disabilities to provide services to individuals with developmental disabilities or an individual who or whose immediate family member is an employee of such an agency;*
- (H) *An individual with an immediate family member who serves as a county commissioner of a county served by the county board unless the individual was a member of the county board before October 31, 1980.*

C. All questions relating to the existence of a conflict of interest for persons serving as board members shall be submitted to the local prosecuting attorney for resolution. The Ohio Ethics Commission may examine any issues arising under Chapter 102 and sections 2921.42, 2921.421, and 2921.43 of the ORC.

IV. TERM

A. The following noted in *italics* is from ORC Section 5126.025:

Except for members appointed under section 5126.027 of the Revised Code to fill a vacancy, members of a county board of 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 as provided under section 5126.029 of the Revised Code, 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.

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- B. The following noted in *italics* is from ORC Section 5126.026:

Except as otherwise provided in this section and section 5126.0218 of the Revised Code, a member of the county board of 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 5126.022 and 5126.0218 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 county 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 for two years.

If, however, a county board experience extenuating circumstances that would severely restrict the board from being able to fill a pending vacancy of a board member who will become ineligible for service on the board after serving three consecutive terms, the appointing authority may request a waiver from the director of developmental disabilities is to allow that member to serve an additional four-year term subsequent to serving three consecutive four-year terms. The director shall determine if the extenuating circumstances associated with the board warrant the granting of such a waiver.

V. VACANCIES

- The following noted in *italics* is from ORC Section 5126.027:

Within sixty days after a vacancy on the county board of developmental disabilities occurs, including a vacancy created under section 5216.0213 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.

VI. REMOVAL

- A. The following noted in *italics* is from ORC Section 5126.0213:

(A) *Subject to sections 5126.0214 and 5126.0216 of the Revised Code, an appointing authority shall remove a member of the Board for any of the following reasons:*

- (1) *Neglect of duty;*
- (2) *Misconduct;*
- (3) *Malfeasance;*

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- (4) *Ineligibility to serve on the county board pursuant to section 5126.023 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.*

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

VII. OATH OF OFFICE

The President of the Board or his/her 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 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".

VIII. ORGANIZATION

A. The following noted in *italics* is from ORC Section 5126.029:

- (A) *Each county board of 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 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 the following number of times annually in regularly scheduled sessions in accordance with section 121.22 of the Revised Code, not including in-service training sessions.*
 - (1) *Unless division (A) (2) of this section applies to the Board, ten;*
 - (2) *If the board shares a superintendent or other administrative staff with one or more other boards of developmental disabilities, eight.*
- (B) *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.*

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- B. 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.

IX. OFFICERS

A. Election of Officers

Per Section 5126.029 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 (1) 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.

B. 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:

1. To preside at all meetings of the Board.
2. To appoint committees.
3. 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.
4. To perform such other duties as may be prescribed by law or by action of the Board.

C. 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:

1. To preside in the absence of the President.
2. To perform the duties of the President in his/her absence.
3. To perform such other duties designated by the President.

D. Recording Secretary

Whenever possible, the Recording Secretary of the Board shall have served on the Board for a minimum of one (1) year. The Board may appoint the Executive Administrative Assistant to assist the Recording Secretary in performing the duties. The duties of the Recording Secretary shall be to:

1. 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.
2. File a certified copy of the Board minutes in the office of the Superintendent as a repository.
3. Provide each member of the Board with a copy of the minutes, including a complete statement of approved expenditures and resolutions acted upon.
4. Perform such other duties as may be delegated either by the President of the Board or assigned by the Board.

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X. MEETINGS

A. Date, Time and Place of Regular Meetings

The following noted in *italics* is depicted and summarized from ORC Section 5126.029:

The board shall meet in such manner and at such times as prescribed by rules adopted by the board, but the board shall meet at least ten times annually in accordance with Section 121.22 of the Revised Code, not including in-service training sessions. The 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.

A notice of Board meetings will be posted at all Board owned facilities and at the County Service Center. All Board meetings will normally be held at the Erie County Board of Developmental Disabilities Conference Room, 4405 Galloway Road, Sandusky, Ohio.

The Superintendent/designee 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 meeting to another day, the Superintendent shall promptly post notice of the time and place of such adjourned meeting.

B. Special Meetings

A "Special meeting" 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 business other 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.

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, time, 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 except in the event of an emergency requiring immediate board action. In an emergency, the news media that have requested notification shall be informed immediately of the time, place and purpose of the meeting.

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

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C. Public Notice

1. Notices to News Media of Special Meetings

Each January the Superintendent/ designee shall make written or email contact with all media requesting notice of meetings to determine there is interest in receiving notices of the current year. Notices will only be mailed/ emailed to news media that request notices 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.

Any additional requests from news medium organizations to be given advance notification of special meetings of the Board shall file with the Superintendent a written request thereof.

News media requests for such advance notification of special meetings shall specify: the name of the medium, the name, phone number and address of the person to whom written notification to the medium may be mailed, emailed or faxed.

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

2. Notification of Discussion of Specific Types of Public Business at Regular, Special and Organizational Meetings

The following noted in *italics* is depicted from Ohio Revised Code Section 121.22 (F): *The rule shall provide that any person may, upon request and payment of a reasonable fee, may 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/she 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.

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

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3. 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 regular office hours to determine, based on information available at that office: the time and place of regular meetings; the time, place and purpose 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.

D. 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.

When a quorum is present, the majority of those voting determine whether a motion or resolution is approved. As an exception, approval of a change in Board By-Laws requires a two-thirds majority of board members.

E. Open Meetings

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

F. 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 Board may include advisors in executive session, no vote can be taken in executive session and the Board must return to open session after executive session.

The President or any member may make a motion to conduct an executive session. The Board is required to:

1. Take a roll call vote of the Board members present.
2. 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. The purposes are as follows:

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- a) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official.
 - b) 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.
 - c) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding.
 - d) Conferences with an attorney for the public body, concerning disputes involving the public body that are the subject of pending or imminent court action.
 - e) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
 - f) Matters required to be kept confidential by federal law or rules or state statutes.
 - g) 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.
3. If the specified purpose pertains to personnel matters under section 2, a and b above, the motion and vote must also specify which of the particular personnel matters listed in section 2, a and b above will be discussed in the executive session, but need not include the name of any person to be considered at the meeting.

G. Participation by Citizens

Create and authorize the Participation of Citizens at Board Meetings Policy, which aligns with Ohio Revised Code and statute and law.

H. 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.

I. Agenda

The Superintendent shall prepare and deliver a copy of the agenda to the members of the Board 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, in general, at each meeting shall be:

1. Roll Call and Mission Statement
2. Pledge of Allegiance
3. Announcements/ Comments from the floor
4. Minutes

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5. Board Action Items
 - a) Finance Reports
 - b) Ethics Committee
 - c) Policy Committee
6. Department Reports
7. Superintendent's Report
8. Adjournment

J. 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.

XI. MINUTES OF PROCEEDINGS

A. 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.

B. Recording of Meeting

There may be situations where there may be the need for an audio or video tape recording of the meeting. Such recording must be approved by the Board.

C. Distribution

Copies of the written minutes shall be prepared promptly after each meeting and distributed by the Superintendent to the Board members prior to the next scheduled meeting. Additional copies of the Board minutes may not be issued at county expense. Copies of all official documents may be obtained by any individual at a charge established by the Board to be the cost of furnishing said document.

D. 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 Recording Secretary as the first act of each regular meeting.

E. 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.

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XII. COMMITTEES

A. Ethics Council

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

Annually at the organizational meeting required by 5126.029 of the Revised Code, the chairperson of the county board of 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.

Any action taken by the council on direct services contracts under its review shall be in public. The council shall 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.

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.

B. 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.

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However, a committee may be assigned general duties to study, investigate, consult and make recommendations to the Board.

C. 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.

XIII. INDIVIDUAL SUPPORT AGREEMENTS AND BUDGETS

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

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

XIII. TRANSACTION OF BUSINESS

A. 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."

B. 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.

XIV. POWER AND DUTIES

A. Ohio Revised Code Section 5126.05 specifies the powers and duties of the Board itself. Some of those responsibilities are general in nature and apply to the Board as an entity, while others speak more to the Board itself. The general responsibilities of the Board are:

1. Assess the facility and service needs of county residents with developmental disabilities.
2. Administer and operate facilities, programs and services.

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3. Plan and set priorities based on available resources and establish policies.
 4. Develop an Annual Operating Plan.
 5. Develop a strategic plan that is inclusive of home and community based waivers, inclusion, and community employment
 6. Monitor and evaluate existing services and facilities.
 7. To the extent that resources are available, the board is to provide: early childhood services, supportive home services, adult services.
 8. Require individual service plans for eligible individuals.
 9. Ensure evaluation of service needs.
 10. Complete the functions of service and support administration per ORC 5126.15.
 11. Employ the following personnel: Superintendent, Business Manager, Medicaid Services Manager, and Investigative Agent (Boards may contract for these services).
 12. Provide annual reports to: Director of Ohio Department of Developmental Disabilities, the Board of County Commissioners and the Superintendent of Public Instruction if the Board operates a school-age program.
- C. *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 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.*
- D. *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.*
- E. *The 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 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 the 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.*
- F. *The Board may request the County Commissioners to levy taxes and make appropriations sufficient to enable the Board to perform its functions and duties as provided by this section, and may utilize any available local, state, and federal funds for such purpose.*

XIII. 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.

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XIV. 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.

XV. COMPENSATION: EXPENSES OF BOARD MEMBERS

The following noted in *italics* is from Ohio Revised Code Section 5126.028:

Members of a county board of 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.

XVI. 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.

XVII. TABLE OF ORGANIZATION

See the attached Erie County Board of Developmental Disabilities- Table of Organization.

XXI. SUPERINTENDENT DUTIES AND RESPONSIBILITIES

- A. Administer the work of the Board.
- B. Recommend policy to the Board.
- C. Employs individuals for all positions approved by the Board.
- D. Approves management contracts up to one year in length.
- E. Approves personnel actions for classified staff.
- F. Approves staff compensation within limits established by the Board and ensure all employees and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of official duties.
- G. Authorize the County Auditor to pay Board obligations.
- H. Other duties and responsibilities of the Superintendent may be authorized by the Board in accordance with all applicable laws and rules.
- I. The Superintendent duties and responsibilities will be reviewed annually by the Board. See the Board Superintendent Evaluation Policy.