Hardin County Board of Developmental Disabilities
POLICY

Policy Number: B-2	Page: 1	Of: 5
Title: Board Operation		
Regulatory Authority: ORC 5126.02(A)1-2; 5126.027; 5126.028; 5126.0211; 5126.0213; 5126.022; 5126.023, 5126.024; 5126.025, 5126.026		
Effective Date: ~~9/18/2018~~; 2/15/22		
Reviewer/Job Title: Superintendent or designee		

BOARD OPERATIONS
(Legal Structure and Basic Duties of the Board)

(A) OVERVIEW

The Ohio Revised Code mandates the structure and basic duties of the Board. It also requires that each county has its own County Board of DD (Board). A Board must be operated as a separate administrative and service entity and its functions may not be combined with any other entity of county government.

(B) DEFINITIONS

As used in this policy, "immediate family" means a spouse, parent, parent-in-law or sibling, sibling-in-law.

(C) APPOINTMENTS

The Board consists of seven members. The membership of the Board shall, as nearly as possible, reflect the composition of Hardin County. In order to form an Ethics Committee, the majority of the Board shall not be comprised of family members of eligible individuals.

(1) Appointments - County Commissioners

(a) Five members are appointed by the Board of County Commissioners. At least two shall be immediate family members of individuals eligible for County Board services and whenever possible, one shall be an immediate family member of a person eligible for Adult Services, and the other shall be an immediate family member of a person eligible for Early Intervention, Preschool or School Age services.

(2) Appointments - Probate Judge

(a) Two members are appointed by the Probate Judge. At least one shall be an immediate family member of a person eligible for residential services or supported living.

(3) Before the appointment or reappointment of a Board member, the member must provide to his/her appointing authority a written declaration specifying the following:

(a) That he/she is not an elected official, except for township trustee, township fiscal officer or an individual excluded from the definition of a public official or employee in the Ohio Revised Code;

(b) That he/she is not an immediate family member of another Board member;

(c) That he/she is not a Board employee or immediate family member of a Board employee;

(d) That he/she was not employed by the Board less than one calendar year before he/she would begin to serve as a Board member;

(e) That he/she nor his/her immediate family member is a board member or an employee of an agency licensed or certified by the Ohio Department of Developmental Disabilities (DODD) to provide services to people with developmental disabilities;

(f) That he/she nor his/her immediate family member is a board member or employee of an agency contracting with the Board that is not licensed or certified by DODD, unless there is no conflict of interest;

(g) That he/she does not have an immediate family member who serves as a Hardin County Commissioner unless the individual was a member of the Board before October 31, 1980; and

(h) Whether he/she or his/her immediate family member has an ownership interest in or is under contract with an agency contracting with the county board. If such ownership interest or contract exists, the identity of the agency and the nature of the relationship to that agency must be provided.

(D) QUALIFICATIONS

(1) Each person appointed must be a resident of the county and a citizen of the United States. All persons appointed to the Board shall be persons interested and preferably knowledgeable in the field of developmental disabilities or other allied fields. Additionally, to the maximum extent possible, members will be appointed who have professional training and experience in business management, finance, law, health care practice, personnel administration or government service.

(E) TERM

(1) All regular appointments will be for terms of four years. A member who has served during each of three consecutive terms will not be reappointed for a subsequent

term until two years after he/she ceases to be a member of the Board. A member who has served for ten years or less within three consecutive terms may be reappointed for a subsequent term before coming ineligible for reappointment for two years.

(2) The membership of a person appointed, as a relative of a recipient of services will not be terminated because the services are no longer received.

(3) Within sixty days after a vacancy occurs, the appointing authority shall fill it for the unexpired term. A member appointed this way will hold office for the remainder of the unexpired term. Appointment, other than appointment to fill a vacancy, will be made no later than the last day of November of each year and the term of office will begin on the date of the stated annual organizational meeting in January.

(4) Board members will serve without compensation, but will be reimbursed for necessary expenses incurred in the conduct of Board business, including those incurred within Hardin County as established in Board policy.

(F) REMOVAL

(1) A Board member shall be removed from the Board by the appointing authority for the following reasons:

(a) Neglect of duty;
(b) Misconduct;
(c) Malfeasance;
(d) Ineligibility to serve on county board;
(e) Failure to attend at least one four-hour Board in-service training each year;
(f) Failure to attend four regularly scheduled Board meetings within one year;
(g) Failure to attend two regularly scheduled Board meetings in one year without prior notice; and
(h) 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.

(2) The appointing authority may request a waiver of removal from the Director of DODD. The appointing authority shall provide satisfactory evidence that the absences for in-service training or regularly scheduled Board meetings are due to a serious health problem of the member of a member's immediate family. The director's decision is final and not subject to appeal.

(3) If there are grounds for removal, the Superintendent or designee shall notify the Board member and the member's appointing authority in writing of the grounds for removal.

(4) The Board member shall have the opportunity for a hearing with the appointing authority within 30 days of written notification from the Superintendent or designee. The appointing authority may not remove the member from the Board before the conclusion of the hearing.

(5) A removed Board member is ineligible for re-appointment to the Board for a minimum of five years.

(G) PERSONS DISQUALIFIED TO BE BOARD MEMBERS

The following individuals shall not serve as a Board member:

(1) Elected officials, except for township trustees, township fiscal officer and those excluded from the definition of public official or employee in the Ohio Revised Code;

(2) Members of the immediate family of another Board member;

(3) Board employees and members of the immediate family of Board employees;

(4) Former Board employees within one calendar year of the termination of employment with the Board on which the former employee would serve;

(5) A person or his/her immediate family member if they are a board member or employee of an agency licensed or certified by DODD to provide services to people with developmental disabilities; and

(6) When either he/she or a member of his/her immediate family is a board member or employee of an agency contracting with the county board that is not licensed or certified by DODD unless there is no conflict of interest. In no circumstance shall a member of the County Board vote on any matter before the Board concerning a contract agency of which he/she or a member of his/her immediate family is also a board member or an employee. All questions relating to the existence of a conflict of interest relative to being a Board member shall be submitted to the local prosecuting attorney for resolution.

(7) No person shall serve as a member of the Board if a member of his/her immediate family serves as a Hardin County commissioner unless the person was a Board member or employee prior to October 31, 1980.

(H) REAPPOINTMENT OF BOARD MEMBERS

Prior to asking the appointing authority to reappoint a Board member, the Superintendent will ask the Board member if he/she still meets the criteria specified in policy. If the Board member still meets all required qualifications the superintendent or designee will forward the reappointment request to the appropriate appointing authority.

(I) AUTHORITY OF BOARD MEMBERS

(1) The Board has authority only when acting as a Board legally in session.

(2) The President of the Board shall be the spokesperson of all public matters relating to the county board. No other board member shall have the 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.

(J) REQUIREMENTS OF BOARD MEMBERS

(1) All Board members are required, on an annual basis, to satisfy the following requirements:

(a) Attend four hours of training; and

(b) Not miss more than four regularly scheduled Board meetings.

(K) COMPENSATION OF BOARD MEMBERS

(1) HCBDD Board members shall serve their term without compensation.

(2) Board members may be reimbursed for necessary expenses incurred conducting the business of the Board.