

Stark County Board of Developmental Disabilities

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LEGAL STRUCTURE AND BASIC DUTIES OF THE BOARD

POLICY

Each of Ohio's 88 counties is required to have a County Board of Developmental Disabilities for the purpose of assessing the facility and service needs of county residents with intellectual and other developmental disabilities, as well as planning and setting priorities based on available resources. State law further specifies how the Board is to be comprised, how Board members are appointed, and the qualifications to be appointed to serve on a County Board of Developmental Disabilities.

The Board follows the mandates of the Ohio Revised Code as to the structure and basic duties of the Board.

The Superintendent shall develop procedures to implement this policy.

Ohio Revised Code References:

5126.028

5126.029

5126.0210

5126.0212

5126.0213

Historical Resolution Information		Reviewer(s): Superintendent
Date	Resolution Number	
10/20/12	10-86-12	
10/18/14	10-67-14	
02/21/17	02-09-17	

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PROCEDURE

Board Appointments

- I. The County Board shall be comprised of seven members. The membership of the Board shall, as nearly as possible, reflect the composition of the county. In total, at least three of the seven Board members are to be family members of individuals eligible for services.
- II. Five members shall be appointed by the Board of County Commissioners. At least two shall be an immediate family member of an enrollee eligible for and currently receiving services provided by the County Board and whenever possible, one shall be the immediate family member of an enrollee eligible for and currently receiving adult services, and the other shall be the immediate family member of an enrollee eligible for and currently receiving services for early intervention, pre-school or school age children.
- III. Two shall be appointed by the probate judge, of the two members appointed by the probate judge, at least one shall be a member of the family of an enrollee eligible for or currently receiving services in a public or private residential facility subject to regulation or licensure by the Director of the Ohio Department of Developmental Disabilities under Section 5123.19 or 5123.20 of the Revised Code.

Board Member Qualifications

- I. The qualifications to serve on the County Board are:
 - A. Resident of the county;
 - B. Citizen of the United States of America;
 - C. Individuals interested and knowledgeable in the field of intellectual and other developmental disabilities;
 - D. Individuals who have professional training and/or experience in business management, finance, law, health care practice, personnel administration, or government services; and
 - E. Membership of the County Board shall reflect, to the maximum extent possible, the composition of the county.
- II. As a Board member, it is important to note that the above stated criteria and requirements on membership are placed upon the respective appointing authority (i.e. County Commissioners and Probate Judge). While it is appropriate for the Board President, or the Superintendent to inform the County

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Commissioners and/or the Probate Judge that an appointment is needed and that appointment needs to be an immediate family member of an individual eligible for residential services, or other criteria, it is not the responsibility of the Board President (or any other Board member or the Superintendent) to enforce that requirement.

Persons Disqualified to Be Board Members

- I. Individuals who are not eligible to serve as a member of the County Board are:
 - A. An elected public official, except for a township trustee, township fiscal officer, or individual excluded from the definition of a public official or employee;
 - B. An immediate family member of another member of the County Board;
 - C. Employees of any CBDD;
 - D. Immediate family member of an employee of the same CBDD;
 - E. Immediate family members of a board member of the same CBDD;
 - F. A former employee of the County Board for four years from the date the employment ceases;
 - G. A former county DD board employee is prohibited from serving as a member of a different county DD board within two years of the date that employment ceases.
 - H. Only in the presence of a conflict of interest is a person prohibited from serving if they are, or have, an immediate family member who is an employee or board member of a contracting agency that is licensed or certified by the Ohio Department of Developmental Disabilities to provide services; and,
 - I. An immediate family member of a County Commissioner (of the county).

Appointment and Re-appointment to the Board

- I. Ohio Revised Code 5126.0212 specifies that appointments to the County Board, be they a new appointment or re-appointment of an existing member, shall be made by the appointing authority not later than the last day of November of the calendar year prior to the year the term is to commence. Board members shall commence their four year term in January on the date of the stated organizational meeting.
- II. Prior to the commencement of their term, a Board member must provide to the appointing authority a written declaration specifying that they are not barred from service in accordance with Ohio Revised Code 5126.0210 and that they have no ownership interest in, or no immediate family member under contract with an agency that contracts with the County Board. A copy of the written, signed declaration is also to be provided to the Superintendent for the official

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Board file and is considered a public record. Failure to complete and sign such a declaration effectively voids the appointment and the individual shall not be eligible to serve on the County Board.

- III. Board members are eligible to serve three consecutive four year terms. An individual appointed to complete the unexpired term of another Board member may be appointed to three full terms following the completion of the unexpired term, if the unexpired term is less than two years (i.e. it is possible for an individual to serve a maximum of 14 consecutive years as a Board member).
- IV. Ohio Revised Code 5126.0213 outlines the requirements for a Board member to be reappointed. Specifically, the individual must:
 - A. Continue to meet the initial eligibility requirements;
 - B. Served not more than one or two four-year terms;
 - C. If having served three consecutive four-year terms at one point, not served for at least the past two calendar years; and,
 - D. If having served two consecutive four year terms, not served more than two years of an unexpired term of another individual immediately prior to the two consecutive terms.
- V. If there is a vacancy on the Board, the appointing authority is required under Ohio Revised Code 5126.0214 to fill the vacancy for the unexpired term within sixty (60) days. Further, the appointing authority shall cause a notice of the vacancy to be published on at least two separate dates in at least one newspaper that serves the county. An individual appointed to fill an unexpired term shall not serve a full four years, but rather shall hold the seat for the remainder of that term. A new Board member appointment or re-appointment is not subject to the requirement to post a public notice as required for filling Board member vacancies.

Oath of Office

- I. Each appointed or re-appointed Board member shall take an oath of office in accordance with Ohio Revised Code 3.22. Any person holding an elected office under the Constitution and Laws of the State of Ohio may administer this oath as well as a notary public. The appointing authority is not required to administer the oath to his/her appointees, but this is certainly recommended and may be part of the annual organizational meeting.
 - A. The oath or affirmation shall contain the appropriate language as required by law, or may read as follows:

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“Do you solemnly swear (or affirm) 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 Stark County Board of Developmental Disabilities to the best of your ability, and in accordance with the laws and the rules and the regulations of the Board now in effect and hereinafter to be enacted, during the continuance in said office, and until your successor is appointed?” If so, the answer is, “I do.”

- B. If after receiving notice of the appointment as a Board member, a person so appointed fails to take the oath of office within the time required, they shall be deemed to have refused the office.

Board Members Serve Without Compensation

- I. Board members serve without compensation, but shall be reimbursed for necessary expenses in the conduct of Board business, including those incurred within the county of residence. Expenses should be submitted on the Board’s Mileage and Travel Expense Report, which can be obtained from the Superintendent’s Office.

Removal of a Board Member

- I. Ohio Revised Code 5126.0210 outlines the criteria for the removal of a Board member prior to the completion of their four year term. Criteria includes the following:
 - A. Neglect of duty;
 - B. Misconduct;
 - C. Malfeasance;
 - D. Ineligibility pursuant to ORC 5126.0210;
 - E. Failure to attend at least four hours of approved in-service credit each year;
 - F. Failure to attend, within one year, four regularly scheduled Board meetings without prior notice of the absence; and,
 - G. Consistently poor performance on the Board demonstrated by documentation of the Board President to the appointing authority, and the appointing authority determines the evidence to be convincing.

It is important to note that removal of a Board member can only be completed by the appointing authority; not by the Board itself, not by the Superintendent, not by the Prosecuting Attorney, and not by the Ohio Department of Developmental Disabilities. Any and/or all of the aforementioned entities may notify the appointing authority of the need for the removal and the reason why, but the

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actual removal authority rests with the appointing authority. Further, only the appointing authority that made the appointment can cause the removal. In other words, the Probate Judge cannot remove a Board member appointed by the County Commissioners and vice versa.