

# Stark County Board of Developmental Disabilities

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## POWERS, RESPONSIBILITIES, AND PROHIBITIONS OF BOARD MEMBERS

### POLICY

The governing board has certain powers, responsibilities and prohibitions that are outlined in the Ohio Revised Code. The seven-member board is responsible for governing the quality, effectiveness, and efficiency of the agency. The fundamental responsibility is governance, which is how the rules, norms and actions of the agency are structured and regulated. To “govern” means “to steer, to control, and to influence from a position of authority.” Governance means that the board sets the direction for the agency and defines how it will operate, but does not lead or manage it. High-quality governance includes the following responsibilities:

- Hire the superintendent, and then the superintendent is responsible for hiring all other employees;
- Provide the superintendent with an annual performance evaluation to ensure that all parties share the same expectations and know what success should look like.
- Strengthen the agency’s programs and services through the approval of a strategic plan and then monitor the accomplishments and outcomes to ensure the organization as well as the individual programs and services are meeting the goals.
- Provide financial stewardship, which includes balancing what is best for each person with what is financially responsible for the agency long term given that the Board funds services over a person’s lifetime. Ohio law requires that the board adopt a budget each year and prepare an annual report of its work and expenditures. Board members must also provide oversight of revenue and expenditures to ensure they are in keeping to the budget.
- Provide legal stewardship, since the county board system is governed by Ohio Revised Code section 5126 and Ohio Administrative Code section 5123:2. These codes spell out specific actions that must be completed as well as the general responsibilities of a county board of developmental disabilities and these critical responsibilities: ensuring that no employee or board member conflicts of interest exist and setting and complying with organizational policies related to service delivery and the confidentiality, access, duplication, dissemination, and destruction of records of people served in accordance with state and federal laws.
- Provide overall guidance and direction that define operational norms, but not manage them. Board responsibilities include: defining and approving organizational policies and procedures that relate to operations (i.e. vacation policies, financial policies); approving the table of organization and all staff positions; approving the employee compensation plan; and setting the performance goals for the superintendent. The board sets the overall policy for the organization but does not involve itself in day-to-day operations. The superintendent and the leadership team are responsible for overseeing the everyday operations and ensuring compliance with policies set by the board.
- Strengthen board operations by assessing the board’s functioning as it relates to: establishing how board meetings are conducted, what type of parliamentary

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procedure is used (such as Roberts Rules of Order), level and quality of deliberation for important decisions, how and when information is provided to board members, and length of time spent in board meetings; defining the role and the committee structure; how new board members will receive their orientation to the board; evaluating the performance of the board; ensuring compliance with open meeting laws, and what type of ongoing training is needed.

## Prohibitions of the Board

As far as prohibitions of the Board, no Board member shall seek special privileges or disclose confidential information concerning enrollees without a written statement permitting such disclosure signed by the parent of a child or guardian of the person. Additionally, no Board member shall have a financial interest in a contract for the purchase of property, supplies or insurance, for the use of the Board. 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 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.

## Eligibility for Services of Board Member's Family

A person's membership on a county board of developmental disabilities does not affect the eligibility of any member of his/her family for services provided by the Board or by any entity under contract with the Board.

The Superintendent shall develop procedures to implement this policy.

### Ohio Revised Code References:

5126.02, 5126.04, 5126.05, 5126.021, 5126.022, 5126.034

Policy Content adapted from 2017 Board Reference Manual: Chapter 4

Historical Resolution Information		Reviewer(s):
<b>Date</b>	<b>Resolution Number</b>	Superintendent
10/18/14	10-67-14	
03/28/17	03-15-17	
06/23/20	06-31-20	

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## POWERS, RESPONSIBILITIES AND PROHIBITION OF MEMBERS

### PROCEDURES

#### I. Officers of the Board and Duties

The Board shall fill the following Board Officer's positions with the duties as prescribed:

- A. **President** – The President shall preside at all meetings and should maintain order, be fair and impartial, and protect the rights of all members. He/she shall be responsible for the prompt and impartial dispatch of matters to the Board, and perform such duties as may be prescribed by law, or by action of the Director of the Ohio Department of Developmental Disabilities. The President shall ensure that an annual self-assessment of the entire board occurs, along with a periodic self-assessment of individual board members.
- B. **Vice President** – The Vice-President shall act in the absence of the President and shall perform such other duties as may be delegated or assigned to him/her. One of the specific parliamentary duties of the vice president is to preside when the president is unable to be at a meeting or when the president has to step down from the chair because he or she wishes to debate an issue.
- C. **Recording Secretary** – The Recording Secretary shall keep or oversee a complete and correct record of all meetings of the Board and of any committee the President requests the Secretary to attend. The Recording Secretary, to the extent requested by the President, shall perform other duties as may be delegated by the President, or assigned by the Board.

#### II. Responsibilities of each Board Member

- A. Each Board member shall examine and understand all business that is decided by the Board and shall vote according to his/her own conscience as what he/she considers best for the agency. Each Board member shall follow and abide by all rules and regulations set by the Board.
- B. Each Board member will review and sign a conflict-of-interest declaration, along with an ethical code of conduct declaration annually.

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## III. Authority of Board Members

- A. The Board members have authority only when acting as a board legally in session. The Board shall not be bound in any way by any statement or action on the part of any individual Board member, except when such statement or action is in pursuance of specific instructions by the Board. The Board thus acts only as a body, at public meetings, in decisions openly arrived at and formally documented.
- B. The President of the Board shall be the spokesperson on all public matters relating to the Board. No other Board member shall have authority to speak or act on behalf of the Board without express permission of the Board.
- C. 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 (ORC 5126.02).
- D. Any policy of the Board may be temporarily suspended by a majority vote of the Board. This vote shall be taken by roll call vote and shall be entered in the minutes of the Board.
- E. The rules of the Board may be amended by a majority vote of the Board, provided that the President has furnished each member with a copy of the proposed amendment(s) at the Board meeting.

## IV. Rules of Order

- A. The Board shall observe Robert's Rules of Order Newly Revised, except as otherwise provided by these rules and regulations, or by statute. Therefore, a "yes" vote and "no" vote shall be taken and entered into the recording of the proceedings of the Board.
- B. The Board votes by majority and a quorum of four members must be present to proceed with a scheduled Board meeting where board action will or could take place.
- C. If a tie vote would result due to an absence, or abstention of a Board member, whether three "yes" votes to three "no" votes, or two "yes" votes to two "no" votes, the resolution would not be approved.
- D. Where a quorum is present, several members' refusal to vote is not sufficient, even if a majority, to defeat the action of those voting. Members present,

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including the President, are obligated to vote, unless they wish to be regarded as assenting to the decision of the voluble majority; except if a Board member does not vote because of a conflict of interest, the absence of a vote cannot be counted as affirmative.

## V. Committees and Special Committees

- A. The President shall appoint members to such committees as are deemed necessary to the development of the various aspects of the program. A special advisory committee may be appointed by the President, or by Board action, and may consist wholly, or partially, of non-board members to serve as external advisors or resources on such matters where the board requests outside input, or feedback, including, as applicable: external auditors, executive compensation advisors, or their advisors as needed based upon the subject area. No legislative or administrative responsibility shall be delegated to a committee other than the general duties to study, investigate, consult and make recommendations. 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 that is convened shall report its recommendations to the Board for appropriate action.
- B. No committee shall have more than three Board members assigned to it. Committees may be assigned general duties to study, investigate, consult, and make recommendations to the Board.
- C. The public must be given notice of committee meetings of the Board and this notice is provided to the media through the Communications Manager, or the Superintendent's Office.
- D. The Board shall have the following standing committees:
  - a. Finance
  - b. Personnel