

**Hocking County Board of  
Developmental Disabilities**

**By-Laws of the Board**

Adopted: 2-95

Revised: 8-16-05; 1-16-07; 1-1-10; 5/17/16

**HOCKING COUNTY BOARD OF  
DEVELOPMENTAL DISABILITIES**

**BY-LAWS OF THE BOARD**

**TABLE OF CONTENTS**

	<u>Page</u>
Establishing Policies and Qualifications	3
Terms and Appointments	5
In-Service Training	6
Vacancies, Removal, Oath of Office	6
Time Limit, Organization Procedures	8
Election of Officers	8
Meetings of the Board	9
Date, time and Place of Regular Meetings	10
Special Meetings	10
Regular and Organizational Meetings	10
Public Notices	11
Notices to News Media	12
Quorum	14
Open Meetings	14
Executive Sessions (procedures for calling)	14
Resolution, Rules, Formal Action	15
Approval of Resolutions	16
Participation by Citizens	16
Recess of Meeting	17
Agenda	17
Rules of Order	17
Minutes of Proceedings	17
Committees	18
Transaction of Business	18
Authority of Members	19
Adoption of Policy	19
Power and Duties	19
Ethical Conduct	22
Guidelines	22
Conflicts of Interest	23
Compensation of Board Members	24
Superintendent Duties and Responsibilities	25
Nondiscrimination of Board Operations	25
Ethics Council	26
Retention of Board Records	28
Reviews, Revisions and Updates with Changes in Laws and Rules	30

**THE HOCKING COUNTY BOARD OF DEVELOPMENTAL DISABILITIES**  
**[All references herein to Ohio Revised Code are generally found within ORC 119, 121.22,**  
**ORC 3323 , ORC 5126.]**

**2.1 Authority for Establishing Policies**

This Board Policy Manual is adopted by the Hocking County Board of Developmental Disabilities (hereinafter referred to as Board, HCBDD) under authority granted it by statutes of the State of Ohio, which enumerate among its duties: "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." (Ohio Revised Code) and "the county board of developmental disabilities .....shall establish policies for their administration and operations." (Ohio Revised Code).

**2.2 Members**

New or reappointed DD board members are required to provide to the appointing authority and the board's superintendent a written declaration of eligibility to serve, including disclosure of any ownership interest in any agency contracting with the county board (ORC). This declaration is declared a public record. (ORC)

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 the Ohio Revised Code.

**2.2.1 Qualifications**

**Excerpt from the Ohio Revised Code – Appointment of members of County Boards:**

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 mental retardation 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 adult services and the other is 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.

**Excerpt from the Ohio Revised Code – Persons who may not serve on a county board of developmental disabilities:**

None of the following individuals may serve as a member of a 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 mental retardation or 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.

### **2.2.2 Appointments**

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 mental retardation 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 adult services and the other is 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.

### **2.2.3 Term**

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.

Except as otherwise provided in this section and section 5126.0218 of the Revised Code, a member of a 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 experiences 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 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.

#### **2.2.4 In-Service Training**

Each year, each member of a county board of developmental disabilities shall attend at least four hours of in-service training provided or approved by the department of developmental disabilities. This training shall not be considered regularly scheduled meetings of the county board.

A member of a county board of developmental disabilities shall be considered present at an in-service training session even though the member is not physically present in the room in which the session is held if the member is connected to the session through a system that enables the member to communicate with the individuals participating in the session and such individuals to communicate with the member.

#### **2.2.5 Vacancies**

Within sixty days after a vacancy on a county board of developmental disabilities occurs, including a vacancy created under section 5126.0213 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.

#### **2.2.6 Removal**

- A. Subject to sections 5126.0214 and 5126.0216 of the Revised Code, an appointing authority shall remove a member of a county board of developmental disabilities for any of the following reasons:

1. Neglect of duty;
2. Misconduct;
3. Malfeasance;
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.

An appointing authority shall not remove a member of a county board of developmental disabilities from the county board by reason of division (A)(5), (6), or (7) of section 5126.0213 of the Revised Code if the director of developmental disabilities waives the requirement that the member be removed. The director may issue the waiver only if the appointing authority requests that the director issue the waiver and provides the director evidence that is satisfactory to the director that the member's absences from the in-service training sessions or regularly scheduled board meetings are due to a serious health problem of the member or a member of the member's immediate family. The director's decision on whether to issue the waiver is final and not subject to appeal.

The county board on which the member serves may pass a resolution urging the appointing authority to request that the director issue the waiver. The member whose absences from the sessions or meetings are at issue may not vote on the resolution. The appointing authority may request the waiver regardless of whether the county board adopts the resolution.

If there are grounds for the mandatory removal of a member of a county board of developmental disabilities under section 5126.0213 of the Revised Code, the county board shall supply the board member and the member's appointing authority with written notice of the grounds.

An appointing authority shall afford a member of a county board of developmental disabilities an opportunity for a hearing on the member's proposed removal in accordance with procedures the appointing authority shall establish, unless the appointing authority requested that the director of developmental disabilities waive the mandatory removal under section 5126.0214 of the Revised Code and the director refused to issue the waiver. The appointing authority shall hold the hearing if the member requests the hearing not later than thirty days after the date that the county board sends the member the notice required by section 5126.0215 of the Revised Code.

If a member of a county board of developmental disabilities requests a hearing within the time required by section 5126.0216 of the Revised Code, the appointing authority may not remove the member from the board before the conclusion of the hearing.

### **2.2.7 Oath of Office**

The following oath of office shall be administered to new Board members by the Chairman of the Board or his designee. It shall read:

"I, (*state your name*), hereby affirm that I will faithfully execute the responsibilities of a Hocking County Board of Developmental Disabilities Board member in accordance with the Ohio Revised Code, the Ohio Department of Developmental Disabilities, the Ohio Department of Education, and the County Board of Developmental Disabilities laws, rules, and regulations, so help me God." You are now recognized as an official member of this Board.

### **2.3.1 Time Limit**

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 shall 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.

Other business may be conducted at the organizational meeting as necessary. The organizational meeting shall be held and conducted in accordance with rules and regulations applicable to all Board meetings as contained in this article.

## **2.4 Officers**

### **2.4.1 Election of Officers**

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 year 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 Chairman and/or by nominations from the floor. The election may be by ballot or by voice vote.

#### **2.4.2 President**

The President of the Board shall be elected from among the members of the Board and shall serve until a successor is elected.

The duties of the President shall include, but not be limited to:

- A. To preside at all meetings of the Board.
- B. To appoint committees.
- C. To represent the Board as spokesperson on all public matters relating to the county Board. If this function is delegated, it must be in writing.
- D. To perform such other duties as may be prescribed by law or by action of the Board.

#### **2.4.3 Vice-President**

The Vice-President of the Board shall be elected from among its members for one year and shall serve until a successor is elected.

The duties of the Vice-President shall include, but not be limited to:

- A. To preside in the absence of the President.
- B. To perform the duties of the President.
- C. To perform such other duties designated by the President.

#### **2.4.4 Recording Secretary**

The recording secretary of the Board shall be elected from among its members and shall serve until a successor is elected.

The duties of the recording secretary shall include, but not be limited to:

- A. 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.
- B. File a certified copy of the Board minutes in the office of the Superintendent as a repository.
- C. Provide each member of the Board with a copy of the minutes, including a complete statement of approved expenditures and resolutions acted upon.
- D. Perform such other duties as may be delegated by the President of the
- E. Board or assigned by the Board.

### **2.5 Meetings of the Board**

#### **2.5.1 Definitions - ORC 121.22**

1. Public body - any Board, commission, committee or similar decision making body of a state agency, institution, or authority, and any legislative authority or Board, commission, committee agency, authority, or similar decision making body of any county, township, municipal corporation, school district, or other political subdivision

or local public institution or any committee or sub-committee of a body described above (ORC 121.22 (B) (1) (a) and (b))

2. Meeting - any pre-arranged discussion of the public business of the public body by a majority of its members (ORC 121.22 (B) (2))
3. County Board meetings shall be open, public meetings, held in compliance with requirements of the ORC Section 121.22, which is referred to as the Sunshine Law and of ORC 5126.04.

### **2.5.2 Date, Time and Place of Regular Meetings**

"The Board shall meet in such manner and at such times as prescribed by rules adopted by the Board, not including in-service training sessions." Date, time and place of regular meetings shall be decided annually at the organizational meeting. 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 the Board proceedings, which shall be open for public inspection. 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.

### **2.5.3 Special Meetings; Board Committee and Sub-Committees**

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 and 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. Such notice shall be signed by the official or members calling the meeting. Rules governing notification to the public and news media must be followed.

"Special meeting" means a meeting which 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 other business 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 meetings.

Special meetings shall be held and conducted in accordance with the rules and regulations applicable to all Board meetings.

The Board may establish various committees and sub-committees of the Board with one or more Board members as members of such committee or sub-committee. Such committees or sub-committees shall comply with the open meeting provisions of the Ohio Revised Code. The Board President shall appoint all members to committees or

sub-committees and shall within the official minutes of the Board record such appointments.

### **2.5.3 Public Notice**

#### **2.5.3.1 Regular and Organizational Meetings**

Public notice of all meetings of the Board shall be given in accordance with the Ohio Revised Code.

Notice of all meetings shall be posted in conspicuous places in areas accessible to the public during usual business hours.

The Superintendent shall post a statement of the time(s) and place(s) of regular meetings of the Board for each regular meeting (other than the organizational meeting) of the calendar year of the Board. The Superintendent shall check at reasonable intervals to ensure that such statement remains so posted during such calendar year. If at any time during the calendar year, the time or place of regular meetings or of any regular meetings is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meetings shall be posted by the Superintendent at least 24 hours before the time of the first changed regular meeting.

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

#### **2.5.3.2 Public Notice**

Any person may, upon request and payment of a reasonable fee, obtain reasonable advance notification of all meetings at which any public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed envelopes provided by the person .

#### **2.5.3.3 Notices to the Public of Special Meetings**

Except in the case of an emergency, the Superintendent shall, no later than 24 hours before the time of a special meeting of the Board, post a statement of the time, place and purpose of such special meeting.

The posting of notice of special meeting shall state such specific or general purposes then known to the Superintendent to be intended to be considered at such special meeting.

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

In addition to the postings required, the Superintendent shall cause to be published once, no later than 24 hours prior to the time of a special meeting of the Board, a statement of the time, place and purpose of such special meeting. Such publication shall be done in a newspaper of general circulation as defined by Ohio Revised Code Section 7.12.

#### **2.5.3.4 Notices to News Media of Special Meetings**

Section 121.22. Any news medium organization that desires to be given advance notification of special meetings including meetings of committees and sub-committees of the Board shall file with the Superintendent a written request thereof.

"A public body shall not hold a special, or committee or sub-committee meeting unless it gives at least 24 hours advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

News media requests for such advance notification of special meetings or a committee or sub-committee meeting shall specify: the name of the medium, the name and address of the person to whom written notifications to the medium may be mailed, telegraphed or delivered (and) the names, addresses and telephone numbers (including addresses and telephone numbers at which notifications may be given either during or outside business hours) of at least 2 persons to either one of whom oral notifications to the medium may be given or at least 1 telephone number which their request identifies as being manned and which can be called at any hour for the purpose of giving oral notification to such medium.

Any such request shall be effective for one year from the date of filing with the Superintendent or until the Superintendent receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. 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. Such requests may be conclusively relied on by the Board.

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

## **2.5.5 Notification of Discussion of Specific Types of Public Business at Regular and Organizational Meetings.**

"..Any person may, upon request and payment of a reasonable fee, 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 can be reached during the 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 and such request may be conclusively relied on by the Board and the Superintendent.

The contents of written notification under this section may be accomplished by giving advance written notification, by copies of agendas, of all meetings of the Board.

### **2.5.3.6 Notification of Discussion of Specific Types of Public Business at Special Meetings**

Per the Revised Code, in the event that a person desires to be notified of specific business to be conducted at a special meeting, such person must file a request stating the specific type of business of which they desire to be notified. A reasonable fee may be charged.

Notification shall be made by the Superintendent to the requesting party in writing when time permits or by telephone at least 24 hours in advance of the special meeting except in case of emergency.

In the event of an emergency requiring immediate official action, no notice is required to be made pursuant to this subsection.

### **2.5.3.7 Miscellaneous Rules Pertaining to Notification Procedures**

Any person may visit or telephone the Board office, 1369 E. Front St. P.O. Box 387, Logan OH 43138 - 740-385-6805, during the office's regular office hours to determine, based on information available at that office: the time and place of regular meetings; the time and place and purposes of any known special meetings and whether the available agenda of any such future meetings states that any specific type of 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 thereunder.

#### **2.5.4 Quorum**

Four of seven members of the Board shall constitute for the transaction of business and approval of a motion or resolution. The President may vote on all matters.

Where a quorum is present, several members' refusal to vote is not sufficient, even if a majority, to defeat the action of those actually voting. Members present, including the President, are obligated to vote, unless they wish to be regarded as assenting the decision of the voluble majority. **EXCEPTION:** If a Board member does not vote because of a conflict of interest, the absence of a vote cannot be counted as affirmative.

#### **2.5.5 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 opened to the public.

#### **2.5.6 Executive Sessions, Procedures for Calling**

The Board shall be permitted to hold an executive session at any regular, organizational or special meeting as allowed by the Ohio Revised Code.

The President or any member may make a motion to conduct an executive session. The ORC requires the Board 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.
3. If the specified purpose pertains to personnel matters under R. C. 121.22 (G)(1), the motion and vote must also specify which of the particular personnel matter(s) listed in subdivision (G)(1) will be discussed in the executive session, but need not include the name of any person to be considered at the meeting.

The members of a public body may hold an executive session only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

The following paragraphs are taken verbatim from Section 121.22(G) of the Ohio Revised Code.

To consider the appointment, employment, dismissal, promotion, demotion, or compensation of a public employee or official, or 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 his official duties or for his removal from office.

To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal private interest is adverse the general public interest. No member of a public body shall use this division as a subterfuge for providing convert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received sufficient time for other prospective buyers and sellers to prepare and submit offers. If the minutes of the public show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body proposing to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

Conferences with an attorney for the public body, concerning disputes involving the public body that are the subject of pending or imminent court action.

Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Matters required to be kept confidential by federal law or rules or state statutes.

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;

The provisions of the Sunshine Law do not apply to an audit conference conducted by the Bureau of Inspection and Supervision of Public Offices or Independent Certified Public Accounts with officials of the public office that is the subject of the .

Discussion of agenda items which may legally be held in Executive Session shall be referred at the Executive Session portion of the agenda. Executive Sessions shall be held in conformance with the provisions of the ORC.

Note: Any resolution, rule, or formal action necessitated by discussions in the Executive Session shall be adopted in open session.

### **2.5.7 Resolution, Rules, Formal Action**

A resolution, rule or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule or formal action adopted in any open

meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized and conducted at an Executive Session held in compliance with these By-Laws.

### **2.5.8 Approval of Resolutions**

Voting on resolutions, motions and nominations shall be by vocal response. A "aye" or "nay" vote is urged. A majority of members present and voting determine official action of the Board.

Roll call votes will be recorded only when adopting the budget, considering personnel and collective bargaining contracts, or when requested by a member of the Board.

### **2.5.9 Participation by Citizens**

The President of the Board or a majority of the members may extend to visitors the privilege of addressing the Board and the order of business at any regular meeting shall include an opportunity for members of the public to address the Board, provided, however, that the Board does not obligate itself to consider any request or proposal unless submitted to the President, in writing, at least seven (7) days before the meeting, exclusive of Sundays and holidays.

The Board endorses the principle of open communication between the public and the Board and between the Superintendent, staff and free communication of all personnel with the program's organization through recognized channels of communication.

Any individual or group may address the Board concerning any subject that lies within the Board's jurisdiction. Questions are to be directed to the Board as a whole and may not be put to any individual member of the Board or the administrative staff. Any matter upon which the Board may be requested to act must be submitted in writing to the Board not less than seven days, excluding Sunday and holidays, prior to the date of the meeting at which the subject is to be discussed.

It shall be in order for members of the Board to interrupt a speaker at any time to ask questions or make comments in order to clarify the discussion.

Not more than ten (10) minutes shall be allotted to each speaker and no more than thirty (30) minutes to each subject under discussion, except with the consent of the Board.

No person shall present orally at any meeting of the Board, a complaint against an individual employee of the Board. Such charge or complaint shall be presented to the Board in writing and shall be signed by the person(s) making the charge or complaint.



### **2.5.10 Recess of Meeting**

The Board may recess a regular meeting to such 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 it will reconvene.

### **2.5.11 Agenda**

The Superintendent shall prepare and deliver a copy of the agenda to the members of the Board and to the media three (3) days 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 at each meeting shall be:

1. Call to Order
2. Roll Call
3. Presentation(s) from the Audience
4. Approval and Signing of the Minutes
5. Approval and Signing of the Expenditures
6. Committee Reports
7. Old Business
8. New Business
9. Personnel Business
10. General Information
11. Executive Session (if necessary)
12. Any Resolution, Rule, or Formal Action necessary from Executive Session
13. Adjournment

### **2.5.12 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.

## **2.6 Minutes of Proceedings**

### **2.6.1 Preparation**

All resolutions of the Board shall be taken from the minutes and the original certificate of resolution shall be retained in the Superintendent's office. The Board secretary shall certify the original copy as being true, correct, and exact. The official minutes are open to public inspection.

## **2.6.2 Distribution**

Copies of the minutes shall be prepared promptly after each meeting and shall be distributed to the Superintendent and the Board members; Copies of the minutes will be available in the Administrative Offices. 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.

## **2.6.3 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 secretary as the first act of each regular meeting.

## **2.6.4 Custody and Availability**

The official minutes and related documents of the Board shall be permanently filed in the Superintendent's office, and shall be made available to any citizen desiring to examine them during normal work hours.

## **2.7 Committee**

### **2.7.1 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.

Generally, no committee shall have more than three Board members assigned to it. The Board may decide, at its Annual Organizational meeting (or at any time thereafter), that the entire Board shall make up the Ethics Committee.

No legislative or administrative responsibility shall be delegated to a committee. However, a committee may be assigned general duties to study, investigate, consult and make recommendations to the Board.

### **2.7.2 Ad Hoc Committees**

Members of the Board may be appointed to ad hoc committees which include citizens, administrators or other government officials when it is deemed beneficial to the schools or to the community.

## **2.8 Transaction of Business**

### **2.8.1 Method of Voting**

Voting will be by majority rule. The yeas and nays and those abstaining shall be taken and entered in the records of the proceedings of the Board.

### **2.8.2 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 Board.

The Board thus acts only as a body, at public meetings, in decisions openly arrived at and formally recorded.

### **2.8.3 Adoption of Policy**

Policy may be adopted after two (2) readings of said policy in open session unless the Board votes to adopt upon the first reading.

## **2.9 Power and Duties**

- A. Subject to the rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the state board of education pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of developmental disabilities shall:
1. Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;
  2. Coordinate, monitor, and evaluate existing services and facilities available to individuals with mental retardation and developmental disabilities;
  3. Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;
  4. Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;
  5. Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and

- approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;
6. Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;
  7. Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;
  8. Provide service and support administration in accordance with section 5126.15 of the Revised Code;
  9. Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities;
  10. Implement an employment first policy that clearly identifies community employment as the desired outcome for every individual of working age who receives services from the board;
  11. Set benchmarks for improving community employment outcomes.
- B. To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.
- C. Any county 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 this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.
- D. A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code.
- E. A county 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.
- F. A county 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 moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such 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, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.

- G. The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

**5126.051 Residential services and supported living services.**

- A. To the extent that resources are available, a county board of developmental disabilities shall provide for or arrange residential services and supported living for individuals with mental retardation and developmental disabilities.

A county board may acquire, convey, lease, or sell property for residential services and supported living and enter into loan agreements, including mortgages, for the acquisition of such property. A county board is not required to comply with provisions of Chapter 307. of the Revised Code providing for competitive bidding or sheriff sales in the acquisition, lease, conveyance, or sale of property under this division, but the acquisition, lease, conveyance, or sale must be at fair market value determined by appraisal of one or more disinterested persons appointed by the board.

Any action taken by a county board under this division that will incur debt on the part of the county shall be taken in accordance with Chapter 133. of the Revised Code. A county board shall not incur any debt on the part of the county without the prior approval of the board of county commissioners.

- B.
  - 1. To the extent that resources are available, a county board shall provide or arrange for the provision of adult services to individuals who are age eighteen and older and not enrolled in a program or service under Chapter 3323. of the Revised Code or age sixteen or seventeen and eligible for adult services under rules adopted by the director of developmental disabilities under Chapter 119. of the Revised Code. These services shall be provided in accordance with the individual's individual service plan and shall include support services specified in the plan.
  - 2. Any prevocational services shall be provided in accordance with the individual's individual service plan and occur over a specified period of time with specific outcomes sought to be achieved.
  - 3. A county board may, in cooperation with the opportunities for Ohioans with disabilities agency, seek federal funds for job training or other services directed at helping individuals obtain community employment.
  - 4. A county board may contract with any agency, board, or other entity that is accredited by the commission on accreditation of rehabilitation facilities to provide services. A county board that is accredited by the commission on accreditation of rehabilitation facilities may provide services for which it is certified by the commission.

- C. To the extent that resources are available, a county board may provide services to an individual with mental retardation or other developmental disability in addition to those provided pursuant to this section, section 5126.05 of the Revised Code, or any other section of this chapter. The services shall be provided in accordance with the individual's individual service plan and may be provided in collaboration with other entities of state or local government.

## **2.10 Ethical Conduct**

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. All matters of interpretation of this section shall be handled by the Board with consultation from appropriate legal counsel.

Hocking County Board of Developmental Disabilities Board members shall honor the confidentiality of executive session.

Hocking County Board of Developmental Disabilities Board members shall honor the confidentiality of clients/enrollees rights.

Hocking County Board of Developmental Disabilities Board members shall honor the confidentiality of personnel matters.

Board members are encouraged to visit the facilities to learn firsthand about the total program. These visits should be to exchange information rather than to make decisions.

The Board's primary function is policy making. After policies have been adopted, administrative procedures are established. The Board depends upon its Superintendent to implement these policies and goals. Boards are not administrators.

Boards as a whole are not to be involved in employment interviews other than those of the Superintendent. Hocking County Board of Developmental Disabilities shall recognize the importance of following established chain-of-command in dealing with administrative issues (e.g., personnel, programmatic issues and administrative issues).

The Board shall develop a tool for evaluating the Superintendent annually; Evaluation procedures shall include opportunity for feedback from the Superintendent to the Board, and from the Board to the Superintendent in executive session about the results of the evaluation.

Ethical Standards of Board members (taken from 1983 and 1984 Ohio School Boardmanship Manual).

- A. Maintain high ethical standards of conduct.
- B. Treat others as everyone would like to be treated.
- C. Accept responsibility for leadership.

- D. Make sincere efforts to respect divergent points of view.
- E. Recognize the principle of compromise.
- F. Recognize both the positive and negative aspects of dissent.
- G. Board members have an obligation to abide by the decisions of the Board.
- H. Avoid conflicts of interest and the use of Board membership for personal gain.
- I. Accept primary objectives of maintaining and improving Board participation.
- J. Devote time, thought, and study to the duties and responsibilities of Board membership.
- K. Attempt to understand the needs of the people served and translate this into the improvement of programs.
- L. Respect the limited intent and scope of executive sessions and respect privileged communications from executive sessions and other administrative sources.
- M. Each Board member should know and understand all rules and regulations set by the Hocking County Board of Developmental Disabilities and by the Department of Developmental Disabilities, and should follow and abide by these rules.
- N. Is legally a Board member only when the Board is in session. No one person, unless authorized, should speak on behalf of the Board.
- O. Avoids administrative decisions or attempts to second-guess the administration. The Superintendent is the chief administrator and the Board has no administrative function.
- P. Is well acquainted with Board Policies.
- Q. Is flexible and realizes there are times when changes are made, when tradition cannot be honored, and when pressure must be ignored.
- R. Remembers that Board business often requires confidentiality, especially in processes involving personnel, land acquisition, negotiations, and need for security.
- S. Is interested in obtaining facts, but remembers also that the administration has the responsibility for operating the programs rather than spending full time making reports to the Board or an individual Board member.
- T. Is a good listener at Board meetings, in street corner, in the church, but never commits himself, the Board or the administration.
- U. Knows that the reputation of the entire Board and its programs are reflected in his behavior and attitude.
- V. Has a sense of humor and the ability to laugh at himself when things look bleak.
- W. Is able to sift facts from fiction, to sort out rumors from realism and to know the difference. A gullible Board member is ineffective.
- X. Is able to support a decision when it is made.
- Y. Does not act individually on a complaint by or against an employee, but channels such complaints properly through the Board's adopted grievance procedures.

#### GUIDELINES TO AVOID A SPLIT BOARD DECISION

- A. Research the question at hand, make certain you know both sides of the issue and have justified your vote on that basis.
- B. Ask yourself if your vote is on behalf of those who will benefit, or simply in agreement with or opposition to other Board members.
- C. Good Board members learn to compromise.

- D. Focus on issues and not personalities.
- E. Respect all Board members' views and the opinions of the Superintendent.
- F. Once a decision is made, support the position of the Board.

#### SUGGESTED GENERAL GUIDELINES

- A. Be familiar with the Hocking County Board's Code of Ethics and Conduct and abide by it.
- B. Be strong enough to support staff when they need and deserve support, yet realistic enough to admit mistakes when they are made.
- C. Avoid surprises by providing the Superintendent and other Board members with advance notice regarding items members wish to discuss which are not on the agenda.
- D. Avoid over-reaction.
- E. Remain flexible and open minded in all matters and make decisions only after all of the facts are known and considered.
- F. Work toward top efficiency and avoid interfering with administrative procedures.
- G. Avoid long meetings. Any group that spends more than three (3) hours in a meeting loses efficiency. It is better to have two (2) meetings of two and one-half (2 1/2) hours each than one five (5) hour meeting.
- H. Be sensitive to the need to respect confidentiality.
- I. Board members are expected to act in an ethical, professional, and diplomatic fashion.

### **2.11 Conflicts of Interest**

No member shall be interested in a contract for the purpose 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 laws of the State of Ohio. A county DD board is prohibited from employing an individual employed by, with an ownership interest in, who performs administrative duties for, or is a member of the governing body of any entity that provides specialized services to people with DD. (ORC 5126.0210, 5126.0228) All questions relating to the existence of a conflict of interest shall be referred to the prosecuting attorney, and permits The Ohio Ethics Commission to examine any issues under Ohio ethics law. (ORC 5126.0210)

### **2.12 Compensation: Expenses of Board Members**

Per the Ohio Revised Code, "...members of the Board shall serve their term without compensation, but shall be reimbursed for necessary expenses in the conduct of Board business, including those incurred within the county of residence.



**2.13 Table of Organization  
(REFER TO TABLE OF ORGANIZATION)**

**2.14 Superintendent, Duties and Responsibilities**

The Superintendent shall be the chief executive officer for the Board of the school, adult training center, and other program components in conformance with policies adopted by the Board. The Superintendent may delegate responsibility to appropriate members of the administrative or supervisory staff, but he/she shall be responsible to the Board for the total operations of the Board. Pursuant the Ohio Revised Code, the Superintendent shall:

- A. Administer the work of the Board, subject to the Board's rules;
- B. Recommend to the Board the changes necessary to increase the effectiveness of the programs and services offered pursuant to the Revised Code;
- C. Employ persons for all positions authorized by the Board, approve contracts of employment for management employees that are for a term of one year or less, and approve personnel actions that involve employees in the classified civil service as may be necessary for the work of the Board;
- D. Approve compensation for employees within the limits set by the salary schedule and budget set by the Board and in accordance with the Ohio Revised Code, and ensure that all employees and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of official duties;
- E. Provide consultation to public agencies as defined in the Ohio Revised Code, including other county Boards of developmental disabilities, and to individuals, agencies, or other organizations providing services supported by the Board. The Superintendent may authorize the payment of Board obligations by the county auditor. Other duties and responsibilities of the Superintendent may be authorized by the Board in accordance with all applicable laws and rules.

**2.15 NONDISCRIMINATION IN BOARD OPERATIONS**

The Board is an Equal Opportunity Employer. No Board member, employee entity under contract with the Board, or anyone representing the Board in any capacity shall discriminate against any person based on race, color, religion, sex, national origin, age, handicap or any other prohibited criteria in decisions or other actions related to any Board operation.

**2.15.1 Services**

The Board or any agency, corporation or association under contract with the Board shall not discriminate in the provision of services under its authority or contract on the basis of race, color, sex, creed, disability, national origin or the inability to pay. The Board shall provide a plan which describes goals and methods for equal opportunity in the provision and delivery of services. Said information shall be posted at each program site, along with the Client Discrimination Complaint Procedure.

### **2.15.2 Employment**

The Board shall provide a plan of Affirmative Action describing its methods for the provision of equal employment opportunities for all persons under its authority or contract on the basis of race, color, sex, creed, disability, or national origin in compliance with the Ohio Revised Code. A copy of the Employee Discrimination Complaint Procedure shall be posted at each program site.

### **2.15.3 504 Self-Evaluation**

The Board shall review its compliance with Section 504 of the Rehabilitation Act of 1973, as amended on an annual basis as part of its regular planning process.

### **2.16 Ethics Council**

Based on the provisions of Section 5126.031 of the Revised Code, membership of a person on or employment of a person by the County Board of DD does not affect the eligibility of any member of his family for services provided by the Board or by an entity under contract with the Board. Therefore, the County Board of DD has created an Ethics Council to review all direct services contracts meaning any legally enforceable agreement with an individual, agency or other entity that, pursuant to its terms or operation, may result in a payment from a County Board of DD to an eligible person or to a member of the family of eligible person for services rendered to the eligible person. Direct services contracts will include but not be limited to Supported Living, Family Consortiums and Family Resources (if payment is directly made directly to the family).

If the requirements of the Ohio Revised Code have been met for a particular direct services contract, a former member of a county board of mental retardation and developmental disabilities, a board employee, or former board employee, or an immediate family member of a county board member, for board member, employee or former employee, is not in violation of the restrictions in the Ohio Revised Code with regard to that contract.

No county board of developmental disabilities shall contract with a private agency whose board includes a county commissioner of any of the counties served by the county board.  
POLICY

- A. The President of the Board shall appoint three members of the Board to an Ethics Council. The Chairperson may be one of those appointed and the Superintendent shall be a non-voting member of the Council. The President shall not appoint a Board Member to the Ethics Council if the member, or any member of their family, will have any interest in any direct services contract under review by the Council while the member serves on the Council or during the twelve month period after completion of their council service. Alternately, the Board may decide at its Annual Organizational Meeting, to serve as members of the Ethics Council as a complete Board.

- B. The role of the Ethics Council shall be to review all direct service contracts which may result in direct payment to an eligible person or to a member of the eligible person's family according to this policy, and develop for recommendation to the Board policy regarding ethical standards, contract audit procedures and grievance procedures with respect to the award and reconciliation of the direct services.
  
- C. The Ethics Council shall meet as needed prior to or as a part of a Board meeting to perform its functions. Any action taken by the Ethics Council shall be in public to afford the affected party the opportunity to meet with the Ethics Council on matters related to the direct services contract or any action taken by the Council. Official minutes will be taken at all Ethics Council meetings and shall be a part of the Public records of the County Board.
  
- D. All contracts and information provided to the Ethics Council shall be sent by the Superintendent or his designee with appropriate certification that the contracts are within available resources and appropriations made by the county DD Board. The Ethics Council during its regular meeting shall determine whether the amount to be paid under the contract is appropriate based on actual expenses or reasonable and allowable projections. The Ethics Council shall also determine whether the eligible person who would receive services under the contract would stand to receive any preferential treatment or any unfair advantage over other eligible persons.
  
- E. If the amount to be paid is not acceptable or the contract would result in preferential treatment or unfair advantage, the Ethics Council shall recommend that the Board not enter into a contract or shall suggest acceptable, specific revisions. The Board shall not enter into any contract that is not recommended by the Ethics Council or enter into any contract to which revisions are suggested if the contract does not include the specified revisions.
  
- F. The Board, by resolution, shall enter into each direct services contract that the Ethics Council recommends or recommends with specified revisions. The Board may request the prosecuting attorney to prepare a legal review of recommended direct services contract to determine the legality of the contract in accordance with applicable state or federal law.
  
- G. The Ethics Council in no way allow a member or employee of the Hocking County Board of DD to authorize or use the authority of his office or employment to secure authorization of a direct services contract that they may benefit from in any way.
  
- H. This policy shall be in full compliance with the mandates of the Ohio Revised Code.

## **2.17 Retention of Board Records**

In accordance with the Ohio County Records Manual prepared by the Archives-Library Division of the Ohio Historical Society with revisions appropriate for changes mandated legislatively, or by rule of the Ohio Department of DD, the State Board of Education, or any other licensing entity having appropriate and authorized jurisdiction, the County Board of Developmental Disabilities shall maintain records in accordance to the following guidelines:

**ACCIDENT REPORTS** - Shall be maintained in alphabetically arranged enrollee files for a retention period of two (2) years.

**ANNUAL BUDGETS** - Shall be arranged chronologically and retained permanently for all departments.

**ANNUAL COST REPORTS** - Shall be arranged chronologically and retained permanently for all departments.

**APPLICATION FOR EMPLOYMENT** - Shall be maintained in active status for one (1) year and retained for two (2) years for EEO compliance. Applications for persons hired shall be maintained in the employee's personnel file.

**AUDIT REPORTS** - Shall be arranged chronologically and permanently retained.

**BANK DEPOSIT SLIPS AND STATEMENTS** - Shall be chronologically arranged with statements indicating status of special purpose and internal fund audits. Shall be retained for a period of three (3) years after audit.

**BIDS** - Shall be arranged in chronologically with copies of bids to provide supplies and materials to the Board. Shall be retained for two (2) years after letting of contract.

**BUS DRIVER RECORDS** - Shall be arranged alphabetically by driver in the driver's personnel file including the physical examination and driver's abstracts. Shall be retained for a period of two (2) years after termination of driver.

**CANCELED CHECKS** - Shall be arranged by check number and retained for three (3) years after audit.

**CASE MANAGEMENT AND SERVICE COORDINATION RECORDS** - Shall be alphabetically arranged by enrollee and include case work records of services rendered to enrollees and their families including evaluations, contact notes, recommendations, social histories, Individual Service Plans, and abstracts. Subject to Destruction of Records Policy.

**CASH BOOKS** - Shall be arranged in chronological order with ledgers showing details of receipts and disbursements of internal funds. Shall be retained for ten (10) years after audit.

**CERTIFICATION FILES** - Shall be contained in employee files in alphabetical order. Shall be retained for a period of two (2) years after employee termination.

**HOME TRAINING REPORTS** - Shall be arranged alphabetically by enrollee. Shall be retained for a period of two (2) years after audit.

**INDIVIDUAL ATTENDANCE RECORDS** - Attendance records of enrollees shall be chronologically arranged with daily report of each enrollee's attendance. Shall be retained for a period of one (1) year after compilation report.

INSURANCE POLICIES - Shall be alphabetically arranged by type of insurance. Shall be retained for a period of two (2) years after expiration or when all claims have been settled.

INVENTORIES OF COUNTY PROPERTY - Shall be alphabetically arranged by category in various departments. Shall be retained for a period of three (3) years after audit.

INVOICES PAID - Shall be alphabetically arranged by suppliers and include copies of itemized statements of merchandise shipped and purchased with payment noted. Shall be retained for a period of three (3) years after audit.

LEAVE REQUESTS - Shall be in alphabetically arranged employee file showing vacation earned and taken. Shall be retained for a period of three (3) years after audit.

MEAL PROGRAM RECORDS - Shall be chronologically arranged with tabulation of meals served and ordered for food program of the Board. Shall be retained for a period of one (1) year after audit.

MINUTES - Shall be chronologically arranged showing members present, record of personnel appointments, resignations, terminations, review of grant proposals, approval of contracts for services, financial reports. Shall be retained permanently.

OFFICE FILES - Shall be arranged alphabetically, therein chronologically relating to the action and activities of the Board. Shall be retained for a period of five (5) years.

PAYROLL RECORDS - Shall be chronologically arranged with worksheets and related material to show for salary, withholding, and other deductions. Shall be retained for a period of three (3) years after audit.

PERSONNEL FILES - Shall be arranged alphabetically by employee including a record of personnel actions; appointments, promotion, reclassification, personal history data, performance evaluation, position descriptions, and classification questionnaires, incident reports, accident reports, etc. Retention shall be permanent.

PSYCHOLOGY REPORTS - Shall be retained in enrollee's file that is alphabetically arranged. Shall be retained for a period of three (3) years.

PURCHASE ORDERS AND REQUISITIONS - Shall be arranged alphabetically showing department, item request, delivery date, order number, quarter, fund, year, bill, program, account chargeable and signatures. Shall be retained for a period of three (3) years after audit.

PROGRAM CALENDARS - Shall be arranged alphabetically by location indicating the number of required days in operation. Shall be retained for a period of three (3) months after audit.

STUDENTS FILES - Shall be alphabetically arranged and include case files of dates of attendance, achievement level test scores, teacher objective observations, valid placement, name, date of birth, parents' names. Shall be retained permanently.

TIME SHEETS - Shall be chronologically arranged, therein alphabetically by employees showing the presence or absence of the employee on the job each day. Shall be retained three (3) years after audit.

TRANSPORTATION REPORTS - Arranged chronologically, includes number of buses, bus routes in use, mileage/bus maintenance and repair costs. Retain or one year after filing.

TRAVEL EXPENSE REPORTS - Shall be alphabetically arranged by employee. Applications for reimbursement for travel and related expenses for employee engaged on Board business. Shall be retained for a period of three (3) years after audit.

VOUCHERS - Shall be arranged chronologically by month, therein alphabetically by vendor. Shall be retained for a period of three (3) years after audit.

VOUCHER REGISTERS - shall be arranged chronologically with a listing of all vouchers that are transmitted at a particular time for issuance of warrants. Should show date, vendor, number, amount, account chargeable, adjustments, date and number of warrants. Shall be retained for a period of three (3) years after audit.

COMMUNITY ALTERNATIVE FUNDING SYSTEM (CAFS) - Related record / program information and fiscal data shall be maintained for period of seven (7) years from the receipt of payment or for six (6) years after any indicated audit is completed and adjudicated, whichever is longer.

## **2.18 Legal Advisor**

The prosecuting attorney shall be the legal advisor of the Board. The Board may, without the authorization of the Court of Common Pleas, employ legal counsel to advise it or represent it or any of its members or employees in any matter of public business coming before the Board in the prosecution or defense of any action or proceeding in which the Board in its official capacity is a party or has an interest, except that in legal proceeding in which the prosecuting attorney is fully able to perform his statutory duty to represent the Board without a conflict of interest, the Board shall employ other counsel only with the written consent of the prosecuting attorney. In any legal proceeding in which the prosecuting attorney is unable, for any reason, to represent the Board, the Board may then employ counsel for the proceeding without further permission from an authority.

## **2.19 Board Policy Review, Revisions and Updates with Changes in Applicable Laws and Rules**

This Board policy shall be reviewed by the Board members at least annually with necessary revisions adopted based on the consent of the Board and in accordance with applicable laws and rules in effect and as amended from time to time. The Board may amend any section of the policy without amending the entire policy.

**Adopted:** 2/95

**Revised:** 10-15-02; 12-16-03; 1-28-04; 4-13-05; 8-16-05; 1-16-07; 1-1-10; 5/17/16

---

David Couch, Superintendent