**THE MADISON COUNTY BOARD OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES**

**200 Authority for Establishing Policies**

This Board Policy Manual is adopted by the Madison County Board of Mental Retardation and Developmental Disabilities (hereinafter referred to as Board) 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." (Section 5126.022 of the Ohio Revised Code) and "the county board of mental retardation and developmental disabilities ... shall establish policies for their administration and operation." (Section 5126.05(A)(1) of the Revised Code) .

**201 Members**

**201.1 Qualifications**

Excerpt from Section 5126.02 of the Revised Code:

“The membership of the board shall, as nearly as possible, reflect the composition of the population of the county.”

All board members shall be persons interested and knowledgeable in the field of mental retardation and other allied fields. All board members shall be citizens of the United States. Of the members appointed by the board of county commissioners, at least two shall be relatives of persons eligible for services provided by the county board of mental retardation and developmental disabilities, and, whenever possible, one shall be a relative of a person eligible for adult services, and the other shall be a relative of a person eligible for early intervention services or services for pre-school or school-age children. Of the two members appointed by the probate judge, at least one shall be a relative of a person eligible for residential or supported living services.

Both the board of county commissioners and the probate judge shall appoint under this section, to the maximum extent possible, members who fulfill any applicable requirements of this section for appointment and who also have professional training and experience in business management, finance, law, health care practice, personnel administration, or government service.”

Excerpt from 5126.021 of the Revised Code:

(A) The following individuals shall not serve as members of county boards of mental retardation and developmental disabilities: As defined in this section “immediate family” means parents, brothers, sisters, spouses, sons, daughters, and mothers, fathers, brothers, sisters, sons, and daughters-in laws.

(1) Elected public officials, except for township trustees, township clerks and those excluded from the definition of public official or employee in division (B) of section 102.01 of the Revised Code;

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

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

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

(B) A person may not serve as a member of a county board of mental retardation and developmental disabilities when either the person or a member of the person's immediate family is a board member of a contract agency of that county board unless there is no conflict of interest. In no circumstance shall a member of a county board vote on any matter before the board concerning a contract agency of which the member or a member of the member's immediate family is also a board member or an employee. All questions relating to the existence of a conflict of interest shall be submitted to the local prosecuting attorney and the Ohio ethics commission for resolution.

(C) No employee of an agency contracting with a county board of mental retardation and developmental disabilities or member of the immediate family of such an employee shall serve as a board member or an employee of the county board except that a county board may, pursuant to a resolution adopted by the board, employ a member of the immediate family of an employee of an agency contracting with the board.

(D) No person shall serve as a member or employee of a county board of mental retardation and developmental disabilities if a member of the person's immediate family serves as a county commissioner of the county served by the board unless the person was a member or employee prior to October 31, 1980.

(E) A county board of mental retardation and developmental disabilities shall not contract with an agency whose board includes a county commissioner of the county served by the county board or an employee of the same county board.”

**201.2 Appointments**

Revised Code Section 5126.02(A)(1): "There is hereby created in each county a county board of mental retardation and developmental disabilities consisting of seven members, five of whom shall be appointed by the board of county commissioners of the county, and two of whom shall be appointed by the probate judge of the county. Each member shall be a resident of the county."

**201.3 Term**

Revised Code Section 5126.02(A)(2),(3): "All appointments shall be for terms of four (4) years. The membership of a person appointed as the relative of a recipient of services shall not be terminated because the services are no longer received. ... 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 Board, except that a member who has served for ten (10) years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two years."

**201.4 Vacancies**

Revised Code Section 5126.02(A)(4): "Within sixty days after a vacancy occurs, it shall be filled by the appointing authority for the unexpired term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Appointment other than appointment to fill a vacancy shall be made no later than the last day of November of each year, and the term of office shall commence on the date of the stated annual organizational meeting in January.”

**201.5 Removal**

Revised Code Section 5126.022: "A board member shall be removed from the board by the appointing authority for neglect of duty, misconduct, malfeasance, failure to attend at least one in-service training session each year, a violation of section 5126.021 of the Revised Code, or upon the absence of a member within one year from either four regularly scheduled board meetings or from two regularly scheduled board meetings if the member gave no prior notice of the member's absence. This removal provision does not apply to absences from special meetings or work sessions. The board shall supply the board member and the member's appointing authority with written notice of the charges against the member. The appointing authority shall afford the member an opportunity for a hearing, in accordance with procedures it adopts, and shall, upon determining that the charges are accurate, remove the member and appoint another person to complete the member's term."

**201.6 Oath of Office**

Each new Board member shall take an oath of office. The oath may be given by any elected county official, any elected state official, any judge, or any state legislator. The following oath of office shall be administered to all new Board members:

“Do you solemnly swear that you will support the Constitution of the United States and the Constitution of the State of Ohio; and that you will faithfully and impartially discharge your duties as a member of the County Board of Mental Retardation and Developmental Disabilities to the best of your ability, and in accordance with the laws and rules and regulations of the Board now in effect and hereafter to be enacted, during your continuance in said office, and until your successor is appointed?”

If so, the answer is: “I do.”

You are now recognized as an official member of this Board.

**202 Annual Organizational Meeting**

Revised Code Section 5126.022: "Each county board of mental retardation and developmental disabilities shall hold an organizational meeting no later that the thirty-first day of January of each year and shall elect its officers, which shall include a president, vice-president and recording secretary."

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

**202.1 Organization and Procedures**

Per Section 5126.022 of the Revised Code, the Board shall:

“...elect its officers which shall include a president, vice-president, and recording secretary...”

“...adopt rules for the conduct of its business...”

“...meet at least ten times annually...”

“...meet in such manner and at such times as prescribed by rules adopted by the Board...”

**203 Officers**

**203.1 Election of Officers**

Per Section 5126.022 of the Revised Code, the election of officers shall be at the annual organizational meeting. There shall be elected a president, vice-president and recording secretary who shall be elected for one 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.

**203.2 President**

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

The duties of the President shall be:

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. This function may be delegated to another person by the President. 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.

**203.3 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 be:

a. To preside in the absence of the President.

b. To perform the duties of the President in the President's absence.

c. To perform such other duties designated by the President.

**203.4 Recording Secretary**

The recording secretary 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 recording secretary shall be 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 either by the President of the Board or assigned by the Board.

**204 Meetings**

The Board shall comply with all provisions of Ohio's Open Meetings Law -- Revised Code Section 121.22. In the event any of the Board's policies exceed the requirements of R.C. 121.22, the Board shall attempt to comply with such policies but failure to comply shall not affect in any way the validity of any actions taken by the Board.

**204.1 Date, Time and Place of Regular Meetings**

Section 5126.022. "... the board shall meet in such manner and at such times as prescribed by rules adopted by the board, but the board shall meet at least ten times annually in regularly scheduled sessions in accordance with Section 121.22 of the Revised Code, not including inservice 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 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 by a quorum of the Board.

**204.2 Special Meetings; Board Committees 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 is neither a regular meeting nor an adjournment of a regular (or special) meeting to another time or day to consider items specifically stated on the original agenda of such regular (or special) meeting. No other business than that listed in the notification may be conducted at special 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 subcommittee. Such committees or sub-committees shall comply with the open meeting provisions of Section 121.22 of the 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.

**205 Public Notice**

**205.1 Regular and Organization Meetings**

Public notice of all meetings of the Board shall be given in accordance with Section 121.22 of the Ohio Revised Code.

Notice of all meetings shall be posted at each Board facility and 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 meeting is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meetings shall be so 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.

**205.2 Notices to the Public of Special Meetings**

Except in the case of an emergency, the superintendent shall, no later that 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 that 24 hours prior to the time of a special meeting of the Board, a statement of the time, place and purposes of such special meeting. Such publication shall be done in a newspaper of general circulation as defined by Ohio Revised Code Section 7.12.

**205.3 Notices to News Media of Special Meetings**

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 meeting, or a committee or sub-committee meeting unless it gives at least twenty-four 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.” Revised Code 121.22(F)

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, sent by facsimile (faxed) or delivered (and) the names, addresses and telephone numbers (including addresses and telephone numbers at which notifications may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given or at least one 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 request may be conclusively relied on by the Board and the superintendent.

The contents of written notification under this section may 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.

**205.4 Notification of Discussion of Specific Types of Public Business at Regular and Organizational Meetings**

Revised Code Section 121.22 (F): "... any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. 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, stamped envelopes provided by the person."

Such person must file a written request with the superintendent specifying: the person’s name, the address and telephone number at or through which the person can be reached during and outside of business hours, and may require the person to pay a reasonable fee and/or that the person supply the Board with a sufficient number of self-addressed stamped envelopes.

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 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.

**205.5 Notification of Discussion of Specific Types of Public Business at Special Meetings**

Per Section 121.22 (F) of 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 an emergency when notification can be made within a 24 hour period of the meeting.

Said request shall be valid for a 12-month period at which time a new request must be made.

**205.6 Miscellaneous Rules Pertaining to Notification Procedures**

Any person may visit or telephone the Board office, 1423 State Route 38 S.E. London, Ohio 41340 phone 740-852-7050, during that office’s regular office hours (8:00A.M to 4:00P.M. Monday through Friday) to determine, based on information available at that office: the time and place of regular meetings; the time, place and purposes of any then known special meetings and whether the available agenda of any such future meetings states that any specific type of public business, identified by such person, is to be discussed at such meeting.

Any notification provided herein to be given by the superintendent may be given by any person acting on behalf of or under the authority of the superintendent.

A reasonable attempt at notification shall constitute notification in compliance with these rules.

The superintendent/designee shall maintain a record of the date and manner, and time if pertinent under these rules, of all actions taken with regard to notices and notifications and shall retain copies of proofs of publication of any notifications or notices published thereunder.

**206 Quorum**

A majority of the Board shall constitute a quorum for the transaction of business and approval of a motion or resolution. The President may vote on all matters.

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 to 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.

**207 Open Meetings**

Under the Ohio Revised Code, all meetings of the Board, including meetings of committees and sub-committees of the Board, are open to the public.

All regular, organizational and special meetings of the Board shall be open to the public.

**208 Executive Sessions, Procedure for Calling**

The Board shall be permitted to hold an executive session at any regular, organizational or special meeting as allowed by Section 121.22(G) of the Ohio Revised Code.

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

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 matters 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):

"(1) To consider the appointment, employment, dismissal, discipline, 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 the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

(2) 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 to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert 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 covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body 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 purporting 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.

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

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

(5) Matters required to be kept confidential by federal law or regulations or state statutes;

(6) Specialized details of security arrangements if disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law."

**209 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 meeting may 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 and 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 except that employees of the Board may not address the Board regarding personnel issues pertaining to that employee and not of general concern to the public unless such is permitted pursuant to a grievance procedure adopted by the Board. Such employee personnel issues may be presented to the Board President in a writing signed by the affected employee with a copy also delivered to the Superintendent.

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 (7) 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.

**210 Recess of Meeting**

The Board may recess a meeting to such a time and place as it deems advisable. The public shall be given adequate information as to where and when such meeting will reconvene.

**211 Agenda**

The superintendent shall prepare and deliver a copy of the agenda to the members of the Board and to the media three days prior to any regular Board meeting. Such agenda is subject to change. 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. Minutes of Previous Meetings

4. Financial Reports

5. Committee Reports

6. Comments from visitors relative to agenda

7. Old Business

8. New Business

9. Communications

10. Comments from Board Members

11. Comments from visitors relative to other items

**212 Rules of Order**

The Board shall observe Robert’s Rules of Order Revised, except as otherwise provided by this policy or by statute or regulation.

**213 Minutes of Proceedings**

**213.1 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 Board's minutes are open to public inspection.

**213.2 Distribution**

Copies of the minutes shall be prepared promptly after each meeting and shall be distributed to the superintendent and to the Board members. Copies of all Board documents (except those which are properly confidential) may be obtained by any individual at a charge established by the Board which shall not exceed the cost to the Board of furnishing said document.

**213.3 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.

**213.4 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.

**214 Committees**

**214.1 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 committee may be assigned general or specific duties to study, investigate, consult and make recommendations to the Board. A committee shall report its recommendations to the Board for appropriate action.

**214.2 Ad Hoc Committees**

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

**215 Transaction of Business**

**215.1 Method of Voting**

Voting will be by roll call. The yeas and nays shall be taken and entered in the records of the proceedings of the Board.

**215.2 Authority of Board Members**

The Board acts only as a body, at public meetings, in decisions openly arrived at and formally recorded. Board members have authority only when acting as a Board legally in session.

The President of the Board shall be the spokesperson on all public matters relating to the county Board. No other Board member shall have authority to speak or act on behalf of the Board without express permission of the Board. The Board shall not be bound in any way by any statement or action on the part of any individual Board member or employee, except when such statement or action is in pursuance of specific instruction by the Board.

**216 Power and Duties**

**5126.05 POWERS AND DUTIES; GIFT, GRANT, DEVISE OR BEQUEST**

(A) Subject to the rules established by the director of mental retardation and 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 mental retardation and 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) Employ a qualified superintendent as defined by the rules of the director who shall serve under contract with the Board for a term of employment not less than one and not more than five years. At the expiration of his current term of employment, the superintendent shall be reemployed for a term of one year by the Board, unless the Board, on or before ninety calendar days prior to his current contract expiration date, either reemploys the superintendent, for a succeeding term or gives the superintendent written notification of its intention not to reemploy him. However, the Board shall give a superintendent in his first year of employment with the Board written notification sixty days prior to his current contract expiration date if the contract is for one year of its intention to reemploy or not reemploy him. If the superintendent is reemployed the Board may, by resolution, designate that he is to continue for a term not to exceed five years. The superintendent shall have no voting privileges on the Board. The Board shall prescribe the duties of the superintendent, review his performance, and fix his compensation. In addition to such compensation, the superintendent shall be reimbursed for actual and necessary expenses.

The superintendent may be removed, suspended, or demoted for cause pursuant to section 5126.23 of the Revised Code.

(7) 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;

(8) 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;

(9) Provide service and support administration, as defined in rules adopted by the director of mental retardation and developmental disabilities, in accordance with section 5126.08 of the Revised Code;

(10) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of mental retardation and developmental disabilities.

(B) To the extent that rules adopted under this section apply to the identification and placement of handicapped children 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 section 5126.12 with transportation for children enrolled in units approved under section 3317.05 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 mental retardation and developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

In addition to this section of code, Board members should routinely review all sections of Chapter 5126 of the Revised Code for other mandatory and permissive authorities and responsibilities of the Board and its employees. Board members should also review any sections of code that are cross referenced within this chapter for their applicability to the board and its operations. Board policy based on the Ohio Revised Code must be updated in conformance with changes in the code.

**217 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 individually 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.

**218 Conflicts of Interest**

No member shall have an unlawful interest in a contract for the purchase of property, supplies or insurance for the use of the Board or out of its contracted services. No Board member shall use the member's influence to benefit a family member or business associate. Board members shall not accept anything of value that might influence the Board member's judgment on Board matters. The Board is specifically forbidden to expend public funds to prepare and distribute material for the purpose of promoting a bond issue or tax levy, or promoting or opposing any candidate for political office. The Board shall not expend public funds for the purposes prohibited by the laws of the State of Ohio. All questions relating to the existence of a conflict of interest shall be referred to the prosecuting attorney and/or The Ohio Ethics Commission for resolution.

**219 Compensation: Expenses of Board Members**

Per Section 5126.02(A)(5) of the Revised Code, "Board members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the conduct of board business, including those incurred within the county of residence."

**220 Superintendent, Duties and Responsibilities**

The superintendent shall be the chief executive officer for the Board for the administration of the 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 to section 5126.024 of the 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 Chapters 3323. and 5126. of 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 section 5126.26 of the 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 division (C) of section 102.01 of the Revised Code, including other county boards of mental retardation and developmental disabilities, and to individuals, agencies, or 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.

**221 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.

**222 Ethics Council**

**PURPOSE**

Based on the the provisions of Section 5126.041(E) of the Revised Code, membership of a person on or employment of a person by the County Board of MR/DD does not affect the eligibility of any member of the person's family for services provided by the Board or by any entity under contract with the Board. Therefore, the Madison County Board of MR/DD has created an Ethics Council to review all direct services contracts. Direct service contracts are (Revised Code 5126.03(A), "(A)

The intent of this Policy is to outline procedures to be utilized by the Madison County Board Ethics Council to review and award applicable direct services contracts in a fair, uniform, non-discriminatory and non-arbitrary manner. This Policy shall encompass all services where direct payment is made to an individual or agency for direct services and defined in Section 5126.032 of the Ohio Revised Code.

**DEFINITIONS**

**"Direct services contract"** means 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 mental retardation and developmental disabilities to an eligible person or to a member of the immediate family of an eligible person for services rendered to the eligible person. "Direct services contract" includes a contract for supported living pursuant to sections 5126.40 to 5126.47 of the Revised Code, family support services under section 5126.11 of the Revised Code, and reimbursement for transportation expenses."

**"Eligible person"** means a person eligible to receive services from a County Board or from an entity under contract with a County Board.

**"Former Board Member"** means a person whose service on the County Board ended less than one year prior to commencement of services under a direct services contract.

**"Former Employee"** means a person whose employment by the County Board ended less than one year prior to the commencement of services under a direct services contract.

**"Immediate Family"** has the same meaning as in section 5126.021 of the Ohio Revised Code.

**POLICY**

A. Annually at the Board's organization meeting, the President of the Board shall appoint three members of the Board to an Ethics Council to review all direct service contracts. 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 immediate 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. If a Council Member or a member of the Council Member’s immediate family has or will have such an interest, the Chairperson shall replace the member by appointing another Board Member to the Council.

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 approve or disapprove each contract in accordance with the standards in section 5126.033 if the Ohio Revised Code. The Council shall develop, in consultation with the prosecuting attorney, and recommend to the Board ethical standards, contract audit procedures and grievance procedures with respect to the award and reconciliation of the direct services contract.

C. The Ethics Council shall meet monthly or as needed prior to Board meetings 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 part of the Public Records of the County Board. The Ethics Council shall comply with the Open Meetings Law -- R.C. 121.22.

D. All contracts and information provided to the Ethics Council shall be sent by the superintendent or the superintendent's designee with appropriate certification that the contracts are within available resources and appropriations made by the county MR/DD Board. A copy of each proposed contract or contract renewal will be presented to the Council at a reasonable time before the contract would take effect if entered into or renewed. 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 stands to receive any preferential treatment or any unfair advantage over other eligible persons. The Ethics Council shall also determine whether any Board employees will be employed under a Board direct service contract and, if so, whether such Board employees meet the conditions set forth in Ohio Revised Code 5126.033(C).

E. If the amount to be paid is not acceptable or the contract would result in preferential treatment or unfair advantage, or if any Board employees employed under a Board direct service contract do not meet the conditions set forth in Ohio Revised Code 5126.033 the Ethics Council shall recommend that the Board not enter into a contract or shall suggest acceptable, specific revisions. The superintendent shall provide all the information the Council needs to make its determinations. The Council shall certify to the board its recommendation with regard to each contract. 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. The Board shall enter into only those contracts submitted for review that are determined by the prosecuting attorney to be in compliance with state law.

G. The Ethics Council shall in no way allow a member or employee of the Madison County Board of MR/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 Sections 5126.033 of the Ohio Revised Code.

**223 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 MR/DD, the State Board of Education, or any other licensing entity having appropriate and authorized jurisdiction, the County Board of Mental Retardation and 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.

APPLICATIONS FOR EMPLOYMENT - Shall be maintained in active status for one (1) year and retained for years (2) 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 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 drivers’ 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 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 of 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 and sick leave 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 each 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 requested, 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 of 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 employee 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 for 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. hall 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.

**224 Annual 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. If any Board policy is inconsistent with any controlling law or regulation, the Board shall follow such law or regulation and not the provisions of Board policy.

**Madison County Board of Mental Retardation and Developmental Disabilities**

**224 Use of Board Facilities**

The Madison County Board of MR/DD believes that the grounds and facilities of this program should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the services provided by the program.

The Board will permit the use of program grounds and facilities when such permission has been requested in writing by a responsible organization or a group of citizens and has been approved by the Superintendent.

Program grounds and facilities shall be available for the below-listed uses. When there are competing interests, approval will be given according to the following priorities:

A. uses directly related to the program and the operations of the

provided services

B. uses and groups indirectly related to the program

C. departments or agencies of the municipal government

D. community organizations formed for charitable, civic, social,

religious, or educational purposes

E. commercial or profit-making organizations or individuals offer-

ing services for profit

Facilities shall also be made available to any certified candidate for public office and any recognized, political party or organization for the purpose of conducting public discussions of public questions and issues. The facilities shall be free of charge and available only after regular hours. Users shall abide by all guidelines and rules regarding the use of program grounds and facilities and be liable for any damage incurred. Under no circumstances shall the grounds or facilities be used to raise funds for political purposes.

The use of program grounds and facilities shall be not granted for private social functions.

Should all or any part of the Board’s community be struck by a disaster, the Board shall make program grounds and/or facilities available, at no charge, for the housing, feeding, and care of victims or potential victims when requested by local, State, or Federal authorities. The Superintendent should meet with the County Disaster Coordinator and the Red Cross to establish a disaster preparedness plan in order to ensure that proper procedures are established to minimize confusion, inefficiency, and disruption of the program services.

The Superintendent shall develop administrative guidelines for the granting of permission to use program facilities including a schedule of fees which, together with the costs used to determine such fees, must be approved by the Board. Such guidelines are to include the following:

A. Each user may be required to present evidence of individual or

organizational liability insurance.

B. Use of program equipment in conjunction with the use of program

facilities must be specifically requested in writing, and may be

granted by the procedure by which permission to use facilities is

granted. The users of program equipment must accept liability for

any damage or loss to such equipment that occurs while it is in

their use. Where rules so specify, no item of equipment may be

used except by a qualified operator.

C. Users shall be financially liable for damage to the facilities and for

proper supervision.

No liability shall attach to this Board, or any of its employees and officers, specifically as a consequence of permitting access to these facilities.

**224.1 Administrative Guidelines**

**Use of Program Facilities**

**Applications**

A. Requests for the use of program facilities by an individual and/or

group, including employees of the Board must be scheduled through

the Superintendent and/or designee via written application at least

seven (7) calendar days before the scheduled date(s).

B. The following is the priority which building usage will be approved:

Category 1. Activities from recognized groups within the re-

quested program building.

Category 2. Activities from recognized groups from other

program buildings or services.

Category 3. Activities from program related groups (example,

the Friends of Fairhaven, MATCO Employee

Council, advocacy groups, etc.

Category 4. Activities from local civic groups.

Category 5. Activities from other local agencies, community groups

or individuals.

C. The right to disapprove or cancel at any time is reserved by the Superin-

tendent or his/her designee. Applicants have the right to appeal disa-

proval to the Superintendent and/or Board.

D. Days when a building/facility is scheduled for routine and/or emergency

maintenance may not be requested.

E. All scheduled activities, regardless of priority, will AUTOMATICALLY

be canceled when the facility is temporarily closed for adverse weather

conditions during or on that day.

F. A Board employee or recognized collaborative employee MUST be in

the facility/building when the facility/building is being used.

G. The loaning and/or transferring of building/facility keys is prohibited.

H. Use of some special equipment owned by the Board can be arranged at

the time the application is filed.

1. Appropriate per hour charges will be assessed for

the rental and/or use of equipment and/or personnel

who operate equipment

I. The Board reserves the right to demand sufficient time for full investi-

gation, notice, and arrangements of all requests for the use of facilities

and reserves first claim to the use of its own property. Cancellations

may be issued by the Superintendent with or without due notice. All

approvals are to be granted with this understanding.

J. In no case will those who have been granted permits assign, transfer,

sublet, or charge a fee to others for the use of Board property.

**Fees: Personnel and Facilities**

1. No fees will be charged for users or groups directly related

to Board programs.

2. During the hours that Board personnel are normally assigned

to duties, no personnel fees will be charged.

3. When an admission to an activity or series of activities is

charged the Board may charge an additional rental fee based

on a rate of $12.00 per hour for the use of the building/facility.

4. Any part of an hour beyond the scheduled time will be con-

sidered an additional hour in the fee charged.

5. Facility rental fees on a per hour basis:

Fairhaven Gymnasium $25.00

Fairhaven Multi-purpose room $12.00

MATCO Multi-purpose room $12.00

Meeting room $12.00

Kitchen and Equipment $12.00

6. Equipment rental fees on a $5.00 per day basis per item. No

equipment will be transported from one building to another.

7. Personnel fees:

Personnel $16.00 (per hour per

individual)

8. The fee(s) charged for the use of the program buildings/facilities

will be billed to the person and/or group who signed the “Use of

Facilities Request Form”.

**Responsibilities**

A. The sponsoring organization assumes all responsibility for the facilities

requested, and is responsible for all who enter the building attracted by

the activity.

B. Any damage, theft, or loss of supplies and equipment will be charged

against the applicant and may cause cancellation of any further use

of the facilities by the applicant or the organization.

C. The Board assumes no responsibility for any liability that may result

from the use of Board’s buildings, grounds, equipment, and/or

facilities.

**Ineligible Users**

Groups or persons will not be granted permits when the request is for activities that are in conflict or competition with Board programs or not authorized by Board policy.

**Regulations**

A. Users must take reasonable steps to ensure orderly behavior and will

be responsible for paying for all damage associated with their use of

the facility or equipment.

B. The Board reserves the right to request payment of estimated fees

in advance.

C. Use of tobacco is prohibited except in designated outside areas. All

users are responsible for complying with this regulation.

D. Alcoholic beverages and controlled substances will not be permitted

on Board property at any time.

E. Uses of furniture, and equipment must be arranged for in advance.

Set-up and clean-up may be performed by members of the group

using the facility, provided the responsible persons are listed on

the application. Additional custodial services required for work

not done satisfactorily will be paid for by the using group. Arrange-

ments must be made for use of any special or extra equipment. Extra

compensation paid to employees for moving, operating, or supervising

special or extra equipment will be charged to the using group.

F. Use during summer vacation, on holidays, or during other vacation

periods shall not conflict with building cleaning and renovating pro-

grams and will depend on the availability of building service personnel

for supervision.

G. Responsibility for enforcement of rules and regulations concerning use

of facilities rests with the user group, and any infractions of the above

regulations may be grounds for refusing to grant subsequent requests

for the use of facilities.

H. The Board will not be responsible for any loss of valuables or personal

property.

Madison County Board of Mental Retardation and Developmental Disabilities

**Policy Manual**

**Chapter 2**

**The Board of Mental Retardation of Developmental Disabilities**

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# Madison County Board of MR/DD

# Policy Manual

**Chapter 2**

**The Board of Mental Retardation**

**and Developmental Disabilities**

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