

Scioto County Board of Developmental Disabilities Meeting Minutes – January 21, 2010

Organizational Meeting

5:51 p.m.

- 1. Roll Call:** Upon request, new board member Jeff Kleha was introduced to the Board by Superintendent Brenda Benson. He was welcomed by the Board and invited to share some information about himself. Mr. Kleha has obtained an impressive education which includes a Bachelor's degree from Pennsylvania State University, a Master in Special Education from Marywood University (Scranton, PA), and a Juris Doctor and Master of Public Administration from the University of Akron. He has been a practicing attorney since 2004.

Stephanie Childers, 2009 recording secretary, called for the roll. Present, besides Mrs. Childers, were Klaire Purtee, William Collins and Rodney Barnett. Absent was James "Mike" Thoroughman.

- 2. Agenda:** Mrs. Purtee made the motion to approve the agenda. Mr. Kleha seconded. The motion was approved in a unanimous roll call vote. All votes of the Board are recorded using the roll call method in accordance with Section 2:10 of the Board Policy Manual.

- 3. 2010 Officer Nominating Committee Report:** Committee Chairman Rodney Barnett deferred to committee member Klaire Purtee to give the report. Mrs. Purtee stated that the committee met Monday, January 18 at 4:00 p.m. The committee recommended Mr. Barnett as Board President for 2010, Mr. Thoroughman as Vice President and that Mrs. Childers continue as Recording Secretary.

Mrs. Childers asked if there were other nominations. There were none. Mr. Kleha made the motion to accept the Committee's recommendation for officers. Mr. Collins seconded. The motion was approved unanimously.

- 4. Adjournment:** Mr. Barnett made the motion to close the organizational meeting. Mr. Kleha seconded. The motion was approved unanimously.

Respectfully Submitted by:

Stephanie Childers, Recording Secretary

Scioto County Board of Developmental Disabilities – Meeting Minutes, January 21, 2010 (Held at STAR, Inc.)

5:55 p.m.

- 1. Roll Call:** Present were President Rodney H. Barnett, Recording Secretary Stephanie Childers, Klaire Purtee, William C. Collins and Jeff Kleha. Absent was James "Mike" Thoroughman.
- 2. Agenda:** Superintendent Brenda Benson requested that the items from the organizational meeting agenda which were not attended to be added to the tentative agenda. Mr. Kleha made the motion to approve the agenda with this amendment. Mrs. Childers seconded. The motion was approved in a unanimous roll call vote.

3. **Minutes:** Mrs. Purtee made the motion to approve the minutes of the November 2009 meeting. It was noted that no December meeting was held in 2009. There was no discussion. Mrs. Childers seconded the motion, which was then approved unanimously.
4. **Expenses:** Mr. Kleha made the motion to approve the docket of expenses, as well as the more than 50 moral obligations which had been prepared. It was explained that a moral, really a 'moral obligation', is a bill that has been submitted for payment before the funds have been encumbered by a purchase order. The reason there were so many at this meeting was because the Auditor's Office stopped accepting bills for payment mid-December and did not resume taking them again until January 19. The Board is still obligated to pay for things/services that are purchased during this time. To do this, the extra paper work of a 'moral' is required. Each 'moral' must be signed by the superintendent and a minimum of four board members.

Mr. Barnett asked if the morals could be brought to the meeting room a half hour before the meeting is set to start so that the board members could review them in advance. Business manager Matt Purcell said that that could be done.

Mr. Collins offered the second to Mr. Kleha's motion, which was amended after some discussion to allow the board members to remain after the meeting to sign the morals rather than trying to accomplish this during the meeting. The motion was approved unanimously.

5. **Superintendent's Report:** Brenda Benson reporting

- A. Mrs. Benson announced that she had received the resignation of board member Elden "Joe" Rawlins. She explained that he was an appointment of the County Commissioners, who will have to publish the vacancy in the local newspaper. It is uncertain how long this process will take.
- B. **Bus Garage Update:** Mrs. Benson reviewed the progress of the project up to the November Board meeting. At that meeting, the Board increased the project budget, but stipulated that the costs were not to exceed \$260,000. Since that time, a meeting had been held with the project's principle participants, including representatives of Petermann, Mullins Construction, and the project management company APX. After discussing a number of scenarios which could affect costs, it was agreed that the building should be completed just under the Board's cost cap. While it will take two weeks or more to order and receive all the materials, it is projected the garage will be completed by the start of the 2010-2011 school year.

The next step is for the leadership of Petermann to sign off on the contract with Mullins. Barak Wells, a representative of Petermann, was in the audience. When asked, he stated that this was likely to happen in the next week.

Mrs. Benson also noted that the building, which by agreement is Petermann's, will be purchased by the Board through monthly installments over the next ten years. At the end of that time, the building will become property of the Board by way of the County Commissioners.

- C. **Parking:** By locating the new garage off the main parking lot next to the Mabert Road entrance, a couple of parking places will have to be sacrificed. Parking space is already at a premium as staff and visitors for both the STAR, Inc. building and the VRS/Garfield building use the lot. The Board already leases parking spaces from the Mabert Road Baptist Church, across the street, and still there is often not enough room. This problem will be exacerbated during construction of the building. Petermann is arranging to lease an empty lot to help with the situation.

Mrs. Benson stated that under New Business she would request authorization from the Board to investigate the possibility of purchasing property for permanent parking on the west side of Mabert Road.

6. **Program reports:** Mr. Barnett noted that the entire administrative team was present in the audience. He invited them to attend the meetings as often as they can. Then he asked six of the seven directors to introduce themselves and give a brief synopsis of the services they oversee for the benefit of Mr. Kleha.
- A. Tammy Nelson listed among her responsibilities the Early Childhood Intervention Program (for children ages birth to three), the Regional Infant Hearing Program encompassing 11 counties in Ohio, and Family Support Services a growing program benefitting people of all ages. She is in charge of The Carousel Center building, which counts as tenants the CAO Dental Clinic, A Children's Place Day Care, and CRADLE, a crisis pregnancy program.
 - B. Kelly Hunter explained that STAR, Inc. provides vocational opportunities for people served by the Board. He gave enrollment numbers for individuals who work in community employment and for STAR, Inc.
 - C. Karren Griffith said that the adult day habilitation program is for individuals age 18 and over, who have completed public education. Currently about 100 individuals are enrolled. She noted that she has been in the employ of the Board for over 30 years in a variety of capacities. The Board was invited to tour the building to see some of the exciting activities centers and recent renovations.
 - D. Donna Royse gave a brief synopsis of the complex job that Service and Support Administrators undertake. Although SSAs can be assigned to children as young as three years old, currently the youngest are school-age children. The bulk of service recipients are adults who live with their families, in congregate settings, or on their own. SSAs develop service plans, assess service needs, provide coordination between service providers and make sure services are delivered, essentially managing millions of Medicaid dollars while focusing on individual needs.
 - E. Julie Monroe spoke about Choice Housing, Inc. which owns 17 homes. It was created by the Board and helps people live more independently in the community. Her office helps establish program eligibility for anyone in the county seeking services who is age six and above. Mrs. Monroe helps the superintendent over see the investigative agent, who looks in to accusations of things like abuse, neglect and misappropriation. The Scioto County Special Olympics program is also part of the Community Services office, as is the payee program and non-county board provider training.
 - F. Last to report was Business Manager Matt Purcell who explained that he is just concluding his first full year in this position. His job includes over seeing the Board's \$8 million budget and providing the Board with clear, concise information on the agency's financial status. Mr. Purcell distributed a number of reports to the Board, noting that monthly he provides reports on the General Fund and the Trust Fund. Quarterly, he also reviews the Residential Fund and the REACH Fund with the Board.

Mr. Purcell then drew the Board's attention to the General Fund Cash Flow Statement, the General Fund Budget Performance report and the Operational Budget report for the calendar years 2005 through 2014.

On the first page of the General Fund Cash Flow Statement, he noted that the program realized more revenue than was anticipated. The program also spent less than was predicted. However, overall the program is spending more than the revenue it generates.

The Operational Budget report listed projected expenses and revenues from for 2010 forward. It indicated that even if the six-year levy is renewed in 2011, the Board will need to ask for additional funds from local tax payers to cover a forecasted deficit in 2014.

The differences between the projected expenses and revenue and the actual amounts was detailed on the Budget Performance report. Here it was made clear that the actual revenue was up by five percent, and spending was down by five percent.

- 7. Committee Reports:** Mr. Barnett asked Mrs. Benson to explain the committees and point out any opportunities for board members to participate.
- A. Staff Advisory Council (SAC): No report was scheduled. Mrs. Benson explained that this committee is strictly for staff. Formed by policy as a way for employees to discuss and seek remedies for employment related issues, Mrs. Benson only attends when asked by the membership. Staff elects representatives to this committee, which typically meets monthly to oversee the administration of the education reimbursement fund and the leave donation policy, under which staff can voluntarily donated unused leave time to a fellow employee who has exhausted earned leave due to extenuating circumstances. Mrs. Benson stated that she could seek permission from the Council if a board member wished to observe a meeting.
 - B. Ethics Council: No report was scheduled. Mrs. Benson explained that the main purpose of this mandated committee of the Board is to review direct service contracts for potential conflicts of interest. The Ethics Council Alternative resolution that is part of the organizational business tonight, allows the full board to act on behalf of the Ethics Council, if for any reason, it is unable to meet.

In recent history, a lawsuit determined that Medicaid providers may only contract with the state, not the individual or the county board. This limited the contracts needing to be reviewed by the Council to those between individuals and non-Medicaid service providers. In our county, these are people and agency providers who serve supported living program participants.

The make-up of this committee is limited by statute to those board members who do not have a family member receiving Board services. This is to eliminate the obvious potential for conflicting interests. The committee can also be called upon to consider other ethical issues, but this has rarely been required. All meetings of this committee are to be conducted in accordance with public meeting law.
 - C. Personnel Committee: This is another standing committee of the Board appointed by the President. Typically board members who are unable to serve on the Ethics Council are appointed to this group. There was no report.
 - D. Public Information Committee: Mrs. Benson explained that this is committee meets as needed. In recent years, it has been made up of representatives of each program division who assist the public information officer in planning major public information efforts such as for March as DD awareness month and the booth at the county fair.
 - F. Trust Fund Committee: A Trust Fund financial report was distributed with other fiscal reports by Mr. Purcell. The report showed that the Fund is used to track various small pots of money that

would, in other agencies or in businesses, likely be considered petty cash. There is frequent activity in these accounts.

The bulk of the fund, however, is the money held in trust. After becoming superintendent, Mrs. Benson announced, with the Board's tacit approval, that she planned to protect the capital of the fund and permit it to reach \$100,000 once again. This would allow the money to generate enough interest to resume giving mini-grants through an RFP, or request for proposals process, which is overseen by an eclectic committee appointed by the superintendent. As the Board has not issued any RFPs, there has been no need for a committee recently. Comprised strictly of donations, the purpose of the Trust Fund is to meet specific needs of individuals with DD that cannot be funded through any other source.

Mrs. Benson closed by remarking that there are a variety of other meetings that occur during a workday. Board members are welcome to speak with her about their particular interests, should any of them want to participate in this way.

Mr. Barnett declined to appoint the Personnel Committee and the Ethics Council at this time, explaining that he would like to see if the new vacancy is filled by February meeting. He called on board members to let him know which committee they would prefer to serve.

8. New Business:

- A. Policy Amendments: The program nurses met late last year to review the program's medical policies. They have completed the review of Board Policy Section 7:05 Policy for Self-Medication and Self-Medication with Assistance and Section 7:06 Compliance and Quality Assessment Review Policy in Community Settings." They recommended a few minor changes to the policies, which were marked in the drafts given to the board members. These amendments were based on practical experience, best practices and advice from the Ohio Department of Developmental Disabilities.

Mr. Kleha made the motion to consider this the first reading of these two amended policies. Mrs. Childers seconded. The motion was approved unanimously.

- B. Proposal to investigate property acquisition: As mentioned under the superintendent's report, Mrs. Benson is interested in investigating the possibility of acquiring property on the west side of Mabert Road, which forms the west boundary of the Board's property, for additional parking. Starting at the corner of Mabert and Gallia Streets and traveling north, there is a convenience market, a paved lot owned by the Columbus-based Schottenstein's Trust, then a number of so-called 'shotgun' houses which are in very poor condition. Next is the Mabert Road Baptist Church parking lot that we already lease, and finally the church itself. The remainder of the block is residential or vacant.

Parking has long been a problem, but the matter has become more pressing recently, when it became clear that the situation of the new bus garage would eliminate two to three spaces on the main parking lot. Mrs. Benson proposed approaching the Schottenstein's Trust first. As this lot is already paved, it would require the least preparation. The shotgun house lots are so narrow that two contiguous lots would have to be purchased to make them usable for parking. This could alleviate the additional space problem that will be exacerbated during construction of the building.

The board members posed some questions about logistics that were answered by Mrs. Benson and Barak Wells from Petermann Transportation, who was in the audience. In the end, Mrs.

Childers made the motion to authorize the superintendent to pursue the possibilities of acquiring property for additional parking.

- C. Old Business: Amendments to personnel policies ‘Section 3.04: Employee Certification, Licensure, and Registration;’ Section 5.03: Work Rules,’ ‘Section 6.01: Compensation,’ and ‘Section 7.12 Mandatory Certification, License, or Registration Requirement’ were before the Board for adoption. These policies had been reviewed by a panel of administrators and others so that they were consistent with each other, there by making them easier to enforce. This was necessary due to the serious financial consequences for the programs, when staff allow their credentials to expire.

Mrs. Childers asked a question about which staff members were affected by these changes. Mrs. Benson explained that most of the Board’s staff now required some kind of credential and these policies would be applied to all. Mrs. Childers made the motion to adopt the policies as amended. Mrs. Purtee seconded. The motion was approved unanimously

- D. Additional organizational business:

- a. Mr. Kleha made the motion to Board to authorize the superintendent to enter into agreements related to grants, subsidies and collaborative arrangements with the Ohio Department of Education, the Ohio Department of Developmental Disabilities, Title VI-B, Title XX, other federal grants and subsidies, Ohio Department of Health, the Southern Ohio Council of Government, the Ohio Rehabilitation Services Commission, the Carousel Center tenant contracts and other such activities and funding sources. Mrs. Purtee seconded. The motion was approved unanimously.
- b. Mr. Barnett initiated a discussion about the best time to start the meetings. To better accommodate Mr. Collins who works until 5:30 p.m., Mr. Barnett suggested 6:00 p.m. There was a brief discussion, but no dissent. Mr. Kleha made the motion to hold board meetings at 6:00 p.m. on the third Thursday of each month in 2010. Mrs. Childers seconded. The motion was approved unanimously. The Board declined to name a location.
- c. It was noted by Mr. Barnett that the Board held meetings in all three buildings last year. There was some discussion about the best location based on acoustics, size, climate control, cost to set up, etc. The key is to make sure the location is publicized so the public can attend. Mrs. Childers suggested a rotation schedule. Mrs. Benson offered to prepare a schedule and bring it to the next meeting for approval. The decision was deferred until then.
- d. Mr. Kleha made the motion that the Board conduct meetings in accordance with Robert’s Rules of Order and Ohio’s open meetings law, Ohio Revised Code Section 121.22. Mrs. Purtee seconded. There was no appreciable discussion. The motion was approved with a unanimous vote.
- e. Ohio Revised Code Section 5126.031 states in division (B) that the full Board may review direct service contracts as an alternative to a meeting of the Ethics Council. Resolution 2010-01.01 had been prepared for the Board’s approval stating the Board’s intention to use the Ethics Council Alternative when needed, and included the stipulation that the Board is not willing to enter into direct services contracts with any person who is a board member, former board member or an immediate family member of a board member or former board member.

Mrs. Benson explained that the primary purpose of the Ethics Council was to review direct service contracts between the Board and supported living service providers. If a contract involved a family member of a board member, that board member was expected to abstain from the voting on that contract. It was also pointed out that the Council could review most any ethical issue that might arise.

Mrs. Childers made the motion to adopt a resolution regarding the Ethics Council Alternative as policy. Mr. Kleha seconded. The motion was approved unanimously.

- f. **Public Participation:** Mr. Barnett stated that he welcomed public participation at board meetings. He seemed glad that the Board had a policy on it, even though state law does not require it, and read the policy aloud.

- E. **Executive Session Regarding Management Contracts:** Mr. Collins made the motion that the Board enter into executive session for the purpose of discussing the compensation of public employees in the form of management contracts. Mr. Kleha seconded. The motion was approved in a unanimous roll call vote. The Board was in executive session from 6:57 p.m. until approximately 7:45 p.m., at which time the Board resumed open session.

The motion was made to approve management contracts for Business Manager Matt Purcell, STAR, Inc. director Kelly Hunter, Adult Services Director Karren Griffith and Service and Support Administration Director Donna Royse. The vote to approve was unanimous.

10. Miscellaneous:

- A. **Bus Safety Presentation:** Barak Wells and Karin Campbell were on hand to speak to the Board about how Petermann, Ltd. addresses safety on its busses. Mr. Wells handed out brochures and made a presentation.

- B. Mr. Kleha made a motion to accept the resignation of Elden “Joe” Rawlins. Klaire Purtee seconded. The motion was approved unanimously. Mr. Rawlins, a board member since May 2006, tendered his resignation the first week of January. The Board expressed their appreciation for his service.

11. Comments from the Floor: None

12. Adjournment: The Board adjourned at 8:30 p.m. on a motion by Mr. Collins, which was seconded by Mr. Kleha.

Respectfully submitted by

Stephanie Childers, Recording Secretary