

Scioto County Board of Developmental Disabilities Meeting Minutes – April 15, 2010 held in Room 210 of Vern Riffe School, 2619 Gallia Street, Portsmouth, Ohio

6:00 p.m.

1. **Roll Call:** Present were President Rodney Barnett, Vice President James M. Thoroughman, Recording Secretary Stephanie Childers, Klaire Purtee, Jeff Kleha and C. William Rockwell, Jr.
2. **Agenda:** Mr. Barnett acknowledged that an agenda had been received by the members in advance of the meeting. Superintendent Brenda Benson had no changes for the document.
3. **Minutes:** Mr. Kleha made a motion to approve the minutes of the March meeting as received. Mr. Thoroughman seconded. The motion was approved in a unanimous roll call vote. All votes of the Board are recorded using the roll call method.
4. **Expenses:** Mr. Barnett thanked the board members who were able to arrive early and review the expenses and morals; then he called for a motion. Mr. Kleha made the motion to approve the moral obligations and the docket. Mr. Thoroughman seconded. There was no discussion. The motion was approved unanimously.
5. **Superintendent's Report:** Brenda Benson reporting
 - A. **New Board Member:** Following Mr. Barnett's words of welcome to new board member Bill Rockwell, Mrs. Benson added her own greetings and asked him to talk about how he became interested in the Board. Mr. Rockwell noted that he had enjoyed a number of years in the role of stepfather to a young man who receives Board services. He added that he felt his experience and education in matters of finance and administration could be useful to the program. Currently, Mr. Rockwell is the assistant director of student housing and a part-time business professor for Shawnee State University.
 - B. **Bus Garage Update:** Construction on the structure had to be postponed until an issue with overhead utility lines could be resolved. At first it looked as though the entire building would have to be relocated, but an alternative, and much less costly, plan was devised. At the moment, the matter rests with the County Prosecutor whose help is needed with a power of attorney formality that would give American Electric Power legal access to a particular utility pole.
 - C. **Historical Perspective:** Mrs. Benson shared with board members a newly updated history of the program beginning in 1953 and ending with 2009. Also a copy of the 'FYI' publication that was issued after the levy ballot issue failed in 2004 was handed out. Mrs. Benson credited the success of the 2005 levy issue and the hard work of her administrative team with bringing the program out of those dark days. Displaying her usual humility, Mrs. Benson did not mention her own contributions of vision, innovation and leadership over the past five years.
 - D. **Certificates:** Mrs. Benson distributed to the second term board members certificates of appreciation sent by the Ohio Association of County Boards (OACB).
 - E. **Board Inservice:** Mrs. Benson had two dates on which business consultant Ken Albert could present an inservice on the nuances of being a board member and the innovative employee compensation package that has been developed with Mr. Albert's assistance.

When no preference between the two dates was expressed, a suggestion that the Board be polled later via email was made. It was also noted, that if any member was unable to attend Mr. Albert's training, then an alternative could be acquired through a web site developed by OACB.

6. Program Reports: Mr. Barnett thanked the directors for the written reports had been given to board members in advance of this meeting.

- A. Special Olympics: Julie Monroe, Director of the Community Services Department and local Special Olympics coordinator, spoke briefly about the celebrity basketball game held recently at Shawnee State University. She declared the event a success as both an awareness event and a fundraiser.
- B. Fiscal Report: Business Manager Matt Purcell distributed written reports on the General Fund, the Residential Fund, the REACH Fund and the Trust Fund. On the General Fund revenue report he noted that the first half of the annual tax levy money has been received. On the expenditure report, he highlighted a number of once-a-year fees that had been paid, and the relatively big jump in utility costs between February and March, due to the harsh weather.

Mr. Thoroughman made a motion to accept the reports. Mrs. Purtee seconded. The motion was approved unanimously.

7. Old Business: Mrs. Benson noted that amendments to the medication self-administration policy and the medication administration quality assurance policy had been developed by the program's nurses after consulting Ohio Board of Nursing rules and Medicaid guidelines. Two readings had already been held. Mrs. Childers made the motion to adopt both policies as amended. Mrs. Purtee seconded. The motion was approved unanimously.

8. Committee Reports:

- A. Staff Advisory Council: No report
- B. Ethics Council: Matt Purcell, presenting

Mrs. Benson requested that the full board, in lieu of the Ethics Council, give an opinion as to whether or not it is ethical for a current employee to be contracted by the Board to perform work outside of the employee's regular duties and work hours. The issue has arisen because of some work the program needs done. In one situation a friend of an employee submitted an estimate to paint the Fiscal Office and, without knowledge of the other estimates, was the lowest offer. This individual intends to hire her friend, our employee, to assist her. In another instance, a teacher has expressed interest in designing the Board's new web site during the summer months.

Mr. Purcell gave the board members a copy of the Board's moonlighting policy (Section 4.10: Outside Employment/Conflict of Interest), as well as a document by an attorney for the OACB giving guidance on this issue as it relates to county board employees working as Medicaid waiver providers. The latter, when taken generally, can be applied to this situation as well. Also distributed was some information on Ohio ethics law taken from the Internet. After reviewing these documents, Mr. Purcell had concluded that there was nothing in policy or law that would prohibit hiring the employee's friend to paint. In his discussions with other business managers and our consultants, however, many advised against it.

The Board members discussed these two situations, presenting a number of different points of view and issues to consider. When talking about the painter, it was suggested that when the

Board hires any contractor, for work that is not in direct contact with our service recipients, the Board is not typically informed of the identities of all of the company's workers. The question was raised as to whether it would be ethical to disqualify the low offer because of whom the person hires. Also, as this was the lowest price, there was some agreement that there would need to be a good reason to justify take a higher one, forgoing the savings.

The painter's willingness to work on the weekend and evenings is a plus as it would allow the Fiscal Office to maintain a regular work schedule. Having our employee working with her would also save money because no one else would be required to be on the premises to ensure building access and maintain security. On the other hand, this person was not bonded and insured as a business would be, and in the event of an accident, this could cause difficulties. It was also considered that if the work was not acceptable, then the situation could become awkward with our employee.

In response to a question, Mrs. Benson noted that in the past employees volunteered to paint their own offices when the maintenance man is too busy with other projects, but these employees have not been paid for their time, merely reimbursed for supplies. There was a concern expressed that some of these people would object to having an employee receive payment to paint an office, even though it is not her own workspace. On the other side of the issue, it is traditional in schools to offer supplemental contracts to employees to perform duties outside of their regular work assignments, such as music teachers with a select chorus or a teacher coaching a ball team.

In this situation, after reviewing input from others, Mrs. Benson emphasized that she felt this was a gray area. She said she did not want to make a decision that would seem unfair.

In the end, it was put to a vote. Mr. Thoroughman made the motion to accept the low estimate for the painting job. Mr. Rockwell seconded. The motion was approved with Mr. Kleha and Mrs. Childers dissenting.

No other bids had been solicited for the web site development project, nor is this required for a purchase under \$25,000. Although getting at least three estimates is considered a good practice. After some discussion about how much web page development costs, it was suggested that Mrs. Benson draw up a supplemental contract for this employee with cost parameters included. Mr. Barnett made a motion that the cost not exceed \$2,500, but after additional discussion, he withdrew the motion so that the amount could to be considered a guideline for Mrs. Benson's negotiations with the employee.

- C. Public Information Committee: Public information officer Margaret Compton reported that a number of articles featuring the Board had been in the newspapers recently. These included one about the leadership of the Consumer Advisory Council attending the DD Month Kickoff Event in Columbus, Brenda Benson's retirement announcement, and the April 10 Special Olympics fundraiser basketball game.
- D. Trust Fund: A written report was distributed with the fiscal report.

9. New Business:

- A. The Annual Action Plan: Ohio Administrative Code 5123:2-1-02 requires the Board to adopt an annual action plan. A draft of this was given to board members for their review at last month's meeting. The public comment period does not end until after this board meeting. On April 28 a public hearing will be held. The plan may be amended at a later time, if changes are deemed

necessary as a result of the public hearing. Mrs. Childers made the motion to adopt the annual action plan. Mr. Kleha seconded. The motion was approved unanimously.

- B. **Superintendent's Search:** Dublin Management Group and the OACB presented at a special meeting on April 7. The choice of who would help with the search for a new superintendent was postponed until this meeting to allow Mr. Rockwell and Mr. Collins an opportunity listen to the recorded presentations. Mrs. Benson encouraged the Board to include more than one member of the administrative team in the search committee. Mr. Barnett explained that he would ask the entire Board would participate, and added that he had already asked Mr. Purcell to join them. There were a few other comments and then Mr. Thoroughman made the motion that the OACB be asked to assist with the search. Mrs. Childers seconded. The motion was approved unanimously.
- C. **Transportation:** Mrs. Purtee had requested an opportunity to have a conversation about having the aides ride the buses. Currently bus aides are assigned to individuals through the plan development process when a need is determined. Mrs. Purtee stated that she was interested in having an aide on every bus to assist the driver in the event of an emergency. There was considerable discussion and some disagreement as those present discussed cost, liability, effectiveness and likelihood of being able to provide necessary staff.

Mrs. Benson had invited the Board's investigative agent, Debbie Sanders, to attend this meeting and Mrs. Sanders spoke briefly about her role in looking into incidents that occur on the bus as well as follow up that is preformed by the program nurses and physical therapy assistant. Mrs. Benson also mentioned that all buses have two-way radios, cameras are being installed on every bus in the very near future and then explained a number of the protocols taken to insure safety. Mrs. Childers requested information on the safety procedures, preventative measures taken and training given to the transportation staff.

Mr. Barnett called for a motion to invite Petermann, Ltd. to the June board meeting so that this discussion can be continued with the participation of the transportation service provider. Mr. Kleha made the motion. Mrs. Purtee seconded. The motion was approved unanimously.

At this point, Mr. Cornwell mentioned that Highway Patrol members who performed the most recent inspection of the buses stated that this last inspection was the best they had seen from our organization for 13 years. It had already been noted that the staff of Petermann and before that, county board staff, have a good track record of preventing incidents from occurring on the buses while in route.

- 10. Executive Session:** Mrs. Childers made the motion to enter into executive session at 8:00 p.m. to discuss personnel issues, specifically contracts for two administrators. Mr. Rockwell seconded. The motion was approved unanimously.

Open session resumed at 8:42. As a result of executive session, Mr. Thoroughman made the motion to offer a contract to Early Childhood and Family Support Director Tammy Nelson, changing the document presented so that she would receive a five-year contract with a \$10,000 raise the first year, a \$5,000 increase the second year, and a three percent raise each of the successive years, if the funds are available and that is what is being offered to all other staff members. Mrs. Childers seconded. The motion was approved unanimously.

Mr. Barnett made the motion to offer a three-year contract for Julie Monroe, Director of Community Services, for the yearly salary of \$59,000, with raises of three percent annually thereafter, if funds are

available and offered to all other staff. Mrs. Childers seconded. The motion was approved unanimously.

11. Miscellaneous: None

12. Comments from the Floor: None

13. Adjourn: Mr. Thoroughman made the motion to adjourn at 8:50. Mr. Rockwell seconded.

Respectfully submitted by:

Stephanie Childers, Recording Secretary