

# SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

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## POLICY 1.05 ETHICS COUNCIL

### I. Purpose

The Scioto County Board of DD supports the principle that membership of a person on, or employment of a person by, the Board does not affect the eligibility of the board member or any member of the board member's or employee's family for services provided by the Board or by an entity under contract with the Board. Therefore, the Board has created an Ethics Council in accordance with ORC Section 5126.031 to review all direct services contracts.

### II. Definitions

- A. Direct Services Contract - any legally enforceable agreement with an individual, agency or other entity that, pursuant to its terms or operation, may result in a payment from the Board 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 contracts will include but not be limited to Supported Living and Family Support Services (if payments are made directly to the family).
- B. Eligible Person – a person eligible to receive services from a county board or from an entity under contract with a county board
- C. Former Board Member – a person whose service on the county board ended less than one year prior to commencement of services under a direct services contract.
- D. Former Employee – a person whose employment by the board ended less than one year prior to commencement of services under a direct services contract.
- E. Immediate Family – (in this policy only) parent, grandparent, brother, sister, spouse, son, daughter, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law and daughter-in-law.

### III. Policy

#### A. Members

At the organizational meeting and annually thereafter the President of the Board shall appoint three members of the Board to the Ethics Council.

1. The President may be one of those appointed.

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2. The Superintendent shall be a non-voting member of the Council.
3. The Chairperson shall not appoint a board member to the Ethics Council if the member, or any member of his/her 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 his/her Council service.
4. If a Council member or a member of the Council member's immediate family has or will have such an interest, the President shall replace the member by appointing another board member to the Council.

## B. Functions

The role of the Ethics Council shall be:

1. 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
2. To develop and recommend, in consultation with the prosecuting attorney, to the Board policies regarding ethical standards, contract audit procedures and grievance procedures with respect to the award and reconciliation of the direct services contract.

## C. Meeting Protocols

1. The Ethics Council shall meet regularly, or as directed by the Board to perform its functions.
2. Any action taken by the Ethics Council shall be in public.
3. The Council shall afford the affected party the opportunity to meet with the Ethics Council on matters related to a direct services contract or any action taken by the Council.
3. Official minutes will be taken at all Ethics Council meetings and shall be part of the public records of the Board.
4. All contracts and information provided to the Ethics Council shall be sent by the Superintendent or his/her designee, with appropriate certification that the contracts are within available resources and appropriations made by the Board and in accordance with rule and law.

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Certification is accomplished through a review of new and renewal contracts by the Superintendent or designee, at a reasonable time before the contract would take effect based on the rules and laws governing public contracts in Ohio and ORC Section 5126.033.

## D. Contract Requirements

1. All direct service contracts must be limited either to the actual amount of the expenses or to a reasonable and allowable amount projected by the Board.
2. No direct service contract shall result in preferential treatment or an unfair advantage over other eligible persons due to a payment to a board member, former board member, employee, former employee, or a member of the immediate family of a board member, former board member, employee or former employee.
3. Contracts must be in compliance with rules and laws governing public contracts in Ohio and ORC Section 5126.033.

## E. Contract Review Process

1. 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 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.
2. If the amount to be paid is not acceptable or the contract would result in preferential treatment or unfair advantage, the Ethics Council shall recommend that the Board not enter into a contract or shall suggest acceptable, specific revisions. The Board shall not enter into any contract to which revisions are suggested if the contract does not include the specified revisions.
3. The Board shall enter into each direct services contract that the Ethics Council recommends or recommends with specified revisions.
4. The Board may request the prosecuting attorney to prepare a legal review of recommended direct services contracts to determine compliance with state law. The Board shall only enter into contracts
5. The Ethics Council shall in no way allow a member or employee of the Board to authorize, or use the authority of his/her office or

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employment to secure authorization of a direct services contract that he/she may benefit from in any way.