

**LAKE COUNTY BOARD OF DD/DEEPWOOD**

**BOARD POLICY**

Reviewed and Adopted by the Board:

Date: April 25, 2022

Signature on File

Elfriede Roman, Superintendent

**I. SUBJECT: POWERS AND DUTIES OF THE BOARD AND OF THE SUPERINTENDENT**

**II. PURPOSE:**

To delineate the specific authorities and responsibilities assigned to the Board and to the Superintendent by the laws of the State of Ohio and by the rules established by the Director of the Ohio Department of Developmental Disabilities.

**III. REFERENCES:**

- O.R.C. 102.01 Public Officers –Ethics Definitions
- O.R.C. 319.16 Issuing and Recording Warrants
- O.R.C. 3323.021 Agreement or Contract to Provide Educational Services to Disabled Children
- O.R.C. 5126.0219 Superintendent
- O.R.C. 5126.0220 Superintendent – Powers and Duties
- O.R.C. 5126.023 Persons Who May Not Serve on a County Board of Developmental Disabilities
- O.R.C. 5126.04 Planning and Setting Priorities
- O.R.C.5126.05 Powers and Duties Gift Grant Devise or Bequest
- O.R.C. 5126.21 Management Employees
- O.R.C. 5126.23 Discipline of Management Employee or Superintendent
- O.R.C. 4117.08 Matters Subject to Collective Bargaining
- O.A.G. Opinion Nos. 79-064 and 82-055

**IV. POLICY:**

- A. Subject to the rules established by the Director of Developmental Disabilities, pursuant to Chapter 119 of the Revised Code for programs and services offered, pursuant to Chapter 3323 of the Revised Code, the Lake County Board of Developmental Disabilities/Deepwood 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;

**POWERS AND DUTIES OF THE BOARD AND OF THE SUPERINTENDENT**

Page 2

- 2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with 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, authorized expenditures for the purposes specified in this Chapter and do so in accordance with Section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the Director;
  - 6) Submit annual reports of its work and expenditures, pursuant to Sections 3323.09 and 5126.12 of the Revised Code, to the Director, the Superintendent of Public Instruction, and the Board of County Commissioners at the close of the fiscal year and at such other times as may reasonably be requested;
  - 7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all Board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under Section 309.10 of the Revised Code, and contract for employee benefits;
  - 8) Provide Service and Support Administration services, as defined in rules adopted by the Director of Developmental Disabilities, in accordance with Section 5126.15 of the Revised Code;
  - 9) Certify respite care homes pursuant to rules adopted under Section 5123.171 of the Revised Code by the Director of Developmental Disabilities.
  - 10) Assess the facility and service needs of individuals with developmental disabilities within the county and of former residents of the county presently residing in state institutions or placed under purchase of service agreements under Section 5123.18 of the Revised Code;
  - 11) Plan and set priorities based on available funds for the provision of both facilities and services to meet the needs of county residents with developmental disabilities and of former residents of the county presently residing in state institutions according to Section 5123.18 of the Revised Code;
  - 12) Ensure that related services, as defined in Section 3323.01 of the Revised Code are provided, subject to the availability of funds, and a comprehensive evaluation of the plan and priorities developed under Division (11) of this Section;
  - 13) 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.
- 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

**POWERS AND DUTIES OF THE BOARD AND OF THE SUPERINTENDENT**

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 there under and in accordance with Sections 307.86 and 5126.071 of the Revised Code.
- D. A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126 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 monies, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the monies, lands, and property according to the terms of the gift, grant, devised, or bequest. All money received by gift, grant, or bequest shall be deposited in the County Treasury to the credit of such stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.
- G. The Board of County Commissioners shall levy taxes and make appropriations sufficient to enable the County Board of Developmental Disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

The Board reserves exclusively to itself the authority to:

- Administer and supervise programs for the benefit of individuals with developmental disabilities; approve annually an appropriation request, and budget to be forwarded to the Lake County Board of Commissioners for its review and approval;
- Establish any rule or regulation governing the operation of its school, workshop, residence or other program under its control;
- Approve all salary ranges for management and exempt staff and to approve and fix the compensation of all unclassified personnel;
- Approve employee contracts governing wages, benefits and work rules for all unions.

**POWERS AND DUTIES OF THE BOARD AND OF THE SUPERINTENDENT**

The Superintendent shall be the Chief Executive Officer for the Board for the administration of the school, adult training center, and other program components in conformance with policies adopted by the Board. The Superintendent may delegate responsibility to appropriate members of the administrative or supervisory staff, but he/she shall be responsible to the Board for the total operations of the Board.

Pursuant to Section 5126.0220 of the Revised Code, the Superintendent shall:

- 1) Administer the work of the board, subject to the board's rules;
- 2) 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;
- 3) 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;
- 4) Approve compensation for employees within the limits set by the salary schedule and budget set by the Board , and ensures that all employees and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of official duties;
- 5) Provide consultation to public agencies as defined in Division (C) of Section 102.01 of the Revised Code, including other county boards of 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.

Among the specific responsibilities and duties of the Superintendent shall be to:

- Attend meetings of the Board and to participate in all of its deliberations, except when such deliberations involve his/her employment.
- Make recommendations to the Board regarding organization, finance, construction, plant maintenance and other phases involving the program; take all personnel actions required to operate the Board's programs in accordance with the Board's policies and labor contracts including, but not limited to: recruitment, selection and employment of personnel; transfer, discipline, suspension, promotion, demotion, layoff and/or termination of individual employees; establishment of days and hours of work, position descriptions, work rules and evaluation procedures for all employees in the classified service and subject to the approval of the Board for any above action relating to an employment contract with an unclassified staff;

**POWERS AND DUTIES OF THE BOARD AND OF THE SUPERINTENDENT**

- Administer the Board's contracts with its professional and non-professional staff in accordance with the negotiated provisions thereof;
- Supervise the preparation of the annual budget and all construction and supplemental budgets and to make recommendations concerning them to the Board;
- Recommend new policies to the Board and to establish such administrative procedures as are necessary to execute the policies of the Board;
- Authorize purchases necessary to meet the special needs of the Program in compliance with applicable laws of the State of Ohio and in keeping with the amounts budgeted by the Board in each calendar year for each line account.

Further, the Superintendent is authorized to make individual purchases of supplies and equipment not to exceed \$25,000.00 without prior approval by the Board. He/She is further authorized and directed to prepare specifications and instructions to bidders and to estimate expenditures to be presented to the Board for approval for any purchase in excess of \$50,000.00.

**V. DISTRIBUTION:**

Board Members  
All Management Staff  
All Staff (via Department Managers)  
LEADD President

**VI. REVIEWED:**

04/22, 04/20, 04/17, 04/16, 04/15, 04/14, 04/13, 04/12, 04/10, 4/08, 4/06, 4/04, 4/02, 1/00, 11/91