

As Introduced

**125th General Assembly
Regular Session
2003-2004**

S. B. No. 271

**Senators Jordan, Wachtmann, Jacobson, Austria, Goodman, Hottinger,
Mumper, Stivers**

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A B I L L

To amend sections 5126.01, 5126.02, 5126.021, 1
5126.022, 5126.023, 5126.03, 5126.031, 5126.033, 2
5126.034, 5126.30, 5705.191, and 5705.222, to 3
amend, for the purpose of adopting new section 4
numbers as indicated in parentheses, sections 5
5126.02 (5126.0212), 5126.021 (5126.029), 5126.022 6
(5126.0215), 5126.023 (5126.0225), and 5126.024 7
(5126.0226), and to enact new sections 5126.02, 8
5126.021, 5126.022, 5126.023, and 5126.024 and 9
sections 5126.025, 5126.026, 5126.027, 5126.028, 10
5126.0210, 5126.0211, 5126.0213, 5126.0214, 11
5126.0216, 5126.0217, 5126.0218, 5126.0219, 12
5126.0220, 5126.0221, 5126.0222, 5126.0223, 13
5126.0224, 5126.0227, 5126.0228, 5126.037, and 14
5126.038 of the Revised Code to revise the law 15
governing county boards of mental retardation and 16
developmental disabilities. 17

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5126.01, 5126.02, 5126.021, 18
5126.022, 5126.023, 5126.03, 5126.031, 5126.033, 5126.034, 19
5126.30, 5705.191, and 5705.222 be amended, sections 5126.02 20

(5126.0212), 5126.021 (5126.029), 5126.022 (5126.0215), 5126.023
(5126.0225), and 5126.024 (5126.0226) be amended for the purpose
of adopting new section numbers as indicated in parentheses, and
new sections 5126.02, 5126.021, 5126.022, 5126.023, and 5126.024
and sections 5126.025, 5126.026, 5126.027, 5126.028, 5126.0210,
5126.0211, 5126.0213, 5126.0214, 5126.0216, 5126.0217, 5126.0218,
5126.0219, 5126.0220, 5126.0221, 5126.0222, 5126.0223, 5126.0224,
5126.0227, 5126.0228, 5126.037, and 5126.038 of the Revised Code
be enacted to read as follows:

Sec. 5126.01. As used in this chapter:

(A) As used in this division, "adult" means an individual who
is eighteen years of age or over and not enrolled in a program or
service under Chapter 3323. of the Revised Code and an individual
sixteen or seventeen years of age who is eligible for adult
services under rules adopted by the director of mental retardation
and developmental disabilities pursuant to Chapter 119. of the
Revised Code.

(1) "Adult services" means services provided to an adult
outside the home, except when they are provided within the home
according to an individual's assessed needs and identified in an
individual service plan, that support learning and assistance in
the area of self-care, sensory and motor development,
socialization, daily living skills, communication, community
living, social skills, or vocational skills.

(2) "Adult services" includes all of the following:

(a) Adult day habilitation services;

(b) Adult day care;

(c) Prevocational services;

(d) Sheltered employment;

(e) Educational experiences and training obtained through 50
entities and activities that are not expressly intended for 51
individuals with mental retardation and developmental 52
disabilities, including trade schools, vocational or technical 53
schools, adult education, job exploration and sampling, unpaid 54
work experience in the community, volunteer activities, and 55
spectator sports; 56

(f) Community employment services and supported employment 57
services. 58

(B)(1) "Adult day habilitation services" means adult services 59
that do the following: 60

(a) Provide access to and participation in typical activities 61
and functions of community life that are desired and chosen by the 62
general population, including such activities and functions as 63
opportunities to experience and participate in community 64
exploration, companionship with friends and peers, leisure 65
activities, hobbies, maintaining family contacts, community 66
events, and activities where individuals without disabilities are 67
involved; 68

(b) Provide supports or a combination of training and 69
supports that afford an individual a wide variety of opportunities 70
to facilitate and build relationships and social supports in the 71
community. 72

(2) "Adult day habilitation services" includes all of the 73
following: 74

(a) Personal care services needed to ensure an individual's 75
ability to experience and participate in vocational services, 76
educational services, community activities, and any other adult 77
day habilitation services; 78

(b) Skilled services provided while receiving adult day 79

habilitation services, including such skilled services as behavior
management intervention, occupational therapy, speech and language
therapy, physical therapy, and nursing services;

(c) Training and education in self-determination designed to
help the individual do one or more of the following: develop
self-advocacy skills, exercise the individual's civil rights,
acquire skills that enable the individual to exercise control and
responsibility over the services received, and acquire skills that
enable the individual to become more independent, integrated, or
productive in the community;

(d) Recreational and leisure activities identified in the
individual's service plan as therapeutic in nature or assistive in
developing or maintaining social supports;

(e) Counseling and assistance provided to obtain housing,
including such counseling as identifying options for either rental
or purchase, identifying financial resources, assessing needs for
environmental modifications, locating housing, and planning for
ongoing management and maintenance of the housing selected;

(f) Transportation necessary to access adult day habilitation
services;

(g) Habilitation management, as described in section 5126.14
of the Revised Code.

(3) "Adult day habilitation services" does not include
activities that are components of the provision of residential
services, family support services, or supported living services.

(C) "Appointing authority" means the following:

(1) In the case of a member of a county board of mental
retardation and developmental disabilities appointed by, or to be
appointed by, a board of county commissioners, the board of county
commissioners;

(2) In the case of a member of a county board appointed by, 110
or to be appointed by, a probate judge, the probate judge. 111

(D) "Community employment services" or "supported employment 112
services" means job training and other services related to 113
employment outside a sheltered workshop. "Community employment 114
services" or "supported employment services" include all of the 115
following: 116

(1) Job training resulting in the attainment of competitive 117
work, supported work in a typical work environment, or 118
self-employment; 119

(2) Supervised work experience through an employer paid to 120
provide the supervised work experience; 121

(3) Ongoing work in a competitive work environment at a wage 122
commensurate with workers without disabilities; 123

(4) Ongoing supervision by an employer paid to provide the 124
supervision. 125

~~(D)~~(E) As used in this division, "substantial functional 126
limitation," "developmental delay," and "established risk" have 127
the meanings established pursuant to section 5123.011 of the 128
Revised Code. 129

"Developmental disability" means a severe, chronic disability 130
that is characterized by all of the following: 131

(1) It is attributable to a mental or physical impairment or 132
a combination of mental and physical impairments, other than a 133
mental or physical impairment solely caused by mental illness as 134
defined in division (A) of section 5122.01 of the Revised Code; 135

(2) It is manifested before age twenty-two; 136

(3) It is likely to continue indefinitely; 137

(4) It results in one of the following: 138

(a) In the case of a person under age three, at least one 139
developmental delay or an established risk; 140

(b) In the case of a person at least age three but under age 141
six, at least two developmental delays or an established risk; 142

(c) In the case of a person age six or older, a substantial 143
functional limitation in at least three of the following areas of 144
major life activity, as appropriate for the person's age: 145
self-care, receptive and expressive language, learning, mobility, 146
self-direction, capacity for independent living, and, if the 147
person is at least age sixteen, capacity for economic 148
self-sufficiency. 149

(5) It causes the person to need a combination and sequence 150
of special, interdisciplinary, or other type of care, treatment, 151
or provision of services for an extended period of time that is 152
individually planned and coordinated for the person. 153

~~(E)~~(F) "Early childhood services" means a planned program of 154
habilitation designed to meet the needs of individuals with mental 155
retardation or other developmental disabilities who have not 156
attained compulsory school age. 157

~~(F)~~(G)(1) "Environmental modifications" means the physical 158
adaptations to an individual's home, specified in the individual's 159
service plan, that are necessary to ensure the individual's 160
health, safety, and welfare or that enable the individual to 161
function with greater independence in the home, and without which 162
the individual would require institutionalization. 163

(2) "Environmental modifications" includes such adaptations 164
as installation of ramps and grab-bars, widening of doorways, 165
modification of bathroom facilities, and installation of 166
specialized electric and plumbing systems necessary to accommodate 167
the individual's medical equipment and supplies. 168

(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air conditioning.

~~(G)~~(H) "Family support services" means the services provided under a family support services program operated under section 5126.11 of the Revised Code.

~~(H)~~(I) "Habilitation" means the process by which the staff of the facility or agency assists an individual with mental retardation or other developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the level of the individual's personal, physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal, structured education and training.

~~(I)~~(J) "Habilitation center services" means services provided by a habilitation center certified by the department of mental retardation and developmental disabilities under section 5123.041 of the Revised Code and covered by the medicaid program pursuant to rules adopted under section 5111.041 of the Revised Code.

~~(J)~~(K) "Home and community-based services" means medicaid-funded home and community-based services specified in division (B)(1) of section 5111.87 of the Revised Code and provided under the medicaid components the department of mental retardation and developmental disabilities administers pursuant to section 5111.871 of the Revised Code.

~~(K)~~(L) "Immediate family" means parents, brothers, sisters, spouses, sons, daughters, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and

<u>daughters-in-law.</u>	200
<u>(M)</u> "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.	201 202
(L) <u>(N)</u> "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.	203 204 205 206
(M) <u>(O)</u> "Mental retardation" means a mental impairment manifested during the developmental period characterized by significantly subaverage general intellectual functioning existing concurrently with deficiencies in the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's age and cultural group.	207 208 209 210 211 212 213
(N) <u>(P)</u> "Residential services" means services to individuals with mental retardation or other developmental disabilities to provide housing, food, clothing, habilitation, staff support, and related support services necessary for the health, safety, and welfare of the individuals and the advancement of their quality of life. "Residential services" includes program management, as described in section 5126.14 of the Revised Code.	214 215 216 217 218 219 220
(O) <u>(Q)</u> "Resources" means available capital and other assets, including moneys received from the federal, state, and local governments, private grants, and donations; appropriately qualified personnel; and appropriate capital facilities and equipment.	221 222 223 224 225
(P) <u>(R)</u> "Service and support administration" means the duties performed by a service and support administrator pursuant to section 5126.15 of the Revised Code.	226 227 228
(Q) <u>(S)</u> (1) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" means equipment, supplies, and	229 230

supports that enable an individual to increase the ability to 231
perform activities of daily living or to perceive, control, or 232
communicate within the environment. 233

(2) "Specialized medical, adaptive, and assistive equipment, 234
supplies, and supports" includes the following: 235

(a) Eating utensils, adaptive feeding dishes, plate guards, 236
mylatex straps, hand splints, reaches, feeder seats, adjustable 237
pointer sticks, interpreter services, telecommunication devices 238
for the deaf, computerized communications boards, other 239
communication devices, support animals, veterinary care for 240
support animals, adaptive beds, supine boards, prone boards, 241
wedges, sand bags, sidelayers, bolsters, adaptive electrical 242
switches, hand-held shower heads, air conditioners, humidifiers, 243
emergency response systems, folding shopping carts, vehicle lifts, 244
vehicle hand controls, other adaptations of vehicles for 245
accessibility, and repair of the equipment received. 246

(b) Nondisposable items not covered by medicaid that are 247
intended to assist an individual in activities of daily living or 248
instrumental activities of daily living. 249

~~(R)~~(T) "Supportive home services" means a range of services 250
to families of individuals with mental retardation or other 251
developmental disabilities to develop and maintain increased 252
acceptance and understanding of such persons, increased ability of 253
family members to teach the person, better coordination between 254
school and home, skills in performing specific therapeutic and 255
management techniques, and ability to cope with specific 256
situations. 257

~~(S)~~(U)(1) "Supported living" means services provided for as 258
long as twenty-four hours a day to an individual with mental 259
retardation or other developmental disability through any public 260
or private resources, including moneys from the individual, that 261

enhance the individual's reputation in community life and advance	262
the individual's quality of life by doing the following:	263
(a) Providing the support necessary to enable an individual	264
to live in a residence of the individual's choice, with any number	265
of individuals who are not disabled, or with not more than three	266
individuals with mental retardation and developmental disabilities	267
unless the individuals are related by blood or marriage;	268
(b) Encouraging the individual's participation in the	269
community;	270
(c) Promoting the individual's rights and autonomy;	271
(d) Assisting the individual in acquiring, retaining, and	272
improving the skills and competence necessary to live successfully	273
in the individual's residence.	274
(2) "Supported living" includes the provision of all of the	275
following:	276
(a) Housing, food, clothing, habilitation, staff support,	277
professional services, and any related support services necessary	278
to ensure the health, safety, and welfare of the individual	279
receiving the services;	280
(b) A combination of life-long or extended-duration	281
supervision, training, and other services essential to daily	282
living, including assessment and evaluation and assistance with	283
the cost of training materials, transportation, fees, and	284
supplies;	285
(c) Personal care services and homemaker services;	286
(d) Household maintenance that does not include modifications	287
to the physical structure of the residence;	288
(e) Respite care services;	289
(f) Program management, as described in section 5126.14 of	290
the Revised Code.	291

Sec. 5126.02. Each county shall either have its own county board of mental retardation and developmental disabilities or, pursuant to section 5126.021 or 5126.022 of the Revised Code, be a member of a multi-county board of mental retardation and developmental disabilities. The functions of a county board shall not be combined with the functions of any other entity of county government.

Sec. 5126.021. Subject to section 5126.024 of the Revised Code, boards of county commissioners may create a multi-county board of mental retardation and developmental disabilities. To create the multi-county board, a majority of the members of each of the boards of county commissioners seeking to create the multi-county board shall adopt an identical resolution within a sixty-day period.

Sec. 5126.022. Subject to section 5126.024 of the Revised Code, a county that is not part of the creation of a multi-county board of mental retardation and developmental disabilities under section 5126.021 of the Revised Code may join the multi-county board if both of the following adopt an identical resolution within a sixty-day period:

(A) A majority of the members of the board of county commissioners of the county seeking to join the multi-county board;

(B) A majority of the members of each of the boards of county commissioners of the counties that are members of the multi-county board.

Sec. 5126.023. (A) By adoption of a resolution by a majority of its members, a board of county commissioners may terminate the county's membership in a multi-county board of mental retardation

and developmental disabilities. 321

(B) A resolution adopted under this section shall specify the 322
last day that the county will be a member of the multi-county 323
board. The resolution also shall provide for the county to do one 324
of the following on the day immediately following the last day 325
that the county will be a member of the multi-county board: 326

(1) Create a single county board of mental retardation and 327
developmental disabilities; 328

(2) Co-create a new multi-county board pursuant to section 329
5126.021 of the Revised Code; 330

(3) Join a different multi-county board pursuant to section 331
5126.022 of the Revised Code. 332

(C) A resolution adopted under this section shall include a 333
plan for the equitable adjustment and division of all services, 334
assets, property, debts, and obligations, if any, of the 335
multi-county board that the county will cease to be a member of. 336

(D) Any county terminating its membership in a multi-county 337
board shall continue to have levied against its tax list and 338
duplicate any tax levied by the board of county commissioners for 339
mental retardation and developmental disability services during 340
the period in which the county was a member of the multi-county 341
board until the levy expires or is renewed or replaced. 342

Sec. 5126.024. No more than five counties may be members of 343
the same multi-county board of mental retardation and 344
developmental disabilities. Only contiguous counties may be 345
members of the same multi-county board. 346

Sec. 5126.025. A board of county commissioners shall provide 347
the director of mental retardation and developmental disabilities 348

with a copy of each resolution the board adopts under section 349
5126.021, 5126.022, or 5126.023 of the Revised Code. 350

Sec. 5126.026. (A) A reference to a county board of mental 351
retardation and developmental disabilities in a law enacted by the 352
general assembly shall mean the following: 353

(1) In the case of a county with its own county board, a 354
single county board; 355

(2) In the case of a county that is a member of a 356
multi-county board, a multi-county board. 357

(B) Unless the context provides otherwise, a law enacted by 358
the general assembly that refers to a county, or an entity or 359
official of a county, that a county board of mental retardation 360
and developmental disabilities serves shall be deemed to refer to 361
the following: 362

(1) In the case of a county with a single county board, that 363
county or the county entity or official specified in the law; 364

(2) In the case of a county that is a member of a 365
multi-county board, each of the counties that are members of the 366
multi-county board or the specified entity or official of each of 367
those counties. 368

Sec. 5126.027. Each county board of mental retardation and 369
developmental disabilities shall consist of seven members. In the 370
case of a single county board, the board of county commissioners 371
of the county shall appoint five members and the probate judge of 372
the county shall appoint two members. In the case of a 373
multi-county board, the membership shall be appointed as follows: 374

(A) If there are five member counties, the board of county 375
commissioners of each of the member counties shall each appoint 376

one member and the probate judges of the member counties with the 377
largest and second largest population shall each appoint one 378
member. 379

(B) If there are four member counties, the board of county 380
commissioners of the member county with the largest population 381
shall appoint two members, the other three boards of county 382
commissioners shall each appoint one member, and the probate 383
judges of the member counties with the largest and second largest 384
population shall each appoint one member. 385

(C) If there are three member counties, the boards of county 386
commissioners of the member counties with the largest and second 387
largest populations shall each appoint two members, the other 388
board of county commissioners shall appoint one member, and the 389
probate judges of the member counties with the largest and second 390
largest population shall each appoint one member. 391

(D) If there are two member counties, the board of county 392
commissioners of the member county with the largest population 393
shall appoint three members, the board of county commissioners of 394
the other county shall appoint two members, and the probate judge 395
of each county shall each appoint one member. 396

Sec. 5126.028. (A) As used in this section and section 397
5126.0211 of the Revised Code, "relative" means a spouse, parent, 398
parent-in-law, sibling, sibling-in-law, child, child-in-law, 399
grandparent, aunt, or uncle. 400

(B) When making appointments to a county board of mental 401
retardation and developmental disabilities, an appointing 402
authority shall do all of the following: 403

(1) Appoint only individuals who are residents of the county 404
the appointing authority serves, citizens of the United States, 405
and interested and knowledgeable in the field of mental 406

retardation and other allied fields; 407

(2) If the appointing authority is a board of county commissioners, appoint, subject to division (C) of this section, at least two individuals who are relatives of individuals eligible for services provided by the county board and, whenever possible, ensure that one of those two members is a relative of an individual eligible for adult services and the other is a relative of an individual eligible for early intervention services or services for preschool or school-age children; 408
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(3) If the appointing authority is a probate judge, appoint, subject to division (C) of this section, at least one individual who is a relative of an individual eligible for residential services or supported living; 416
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(4) Appoint, to the maximum extent possible, individuals who have professional training and experience in business management, finance, law, health care practice, personnel administration, or government service; 420
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(5) Provide for the county board's membership to reflect, as nearly as possible, the composition of the county or counties that the county board serves. 424
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(C) The appointing authorities of a multi-county board shall coordinate their appointments to the extent necessary to satisfy the requirements of this section. The coordination may provide for one of the boards of county commissioners making one of the two appointments required by division (B)(2) of this section and another board of county commissioners making the other appointment required by that division. The coordination shall ensure that at least one of the probate judges satisfies the requirement of division (B)(3) of this section. 427
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Sec. ~~5126.021~~ 5126.029. ~~As used in this section, "immediate~~ 436

~~family" means parents, brothers, sisters, spouses, sons, 437
daughters, mothers in law, fathers in law, brothers in law, 438
sisters in law, sons in law, and daughters in law. 439~~

~~(A) The None of the following individuals ~~shall not~~ may serve 440
as ~~members~~ a member of a county boards board of mental retardation 441
and developmental disabilities: 442~~

~~(1) Elected (A) An elected public ~~officials~~ official, except 443
for a township trustees trustee, township ~~clerks~~ clerk, and ~~those~~ 444
or individual excluded from the definition of public official or 445
employee in division (B) of section 102.01 of the Revised Code; 446~~

~~(2) Members of the (B) An immediate family member of another 447
county board member; 448~~

~~(3) Board employees and members of the (C) A county board 449
employee or immediate family member of a county board ~~employees~~ 450
employee; 451~~

~~(4) Former board employees within (D) An individual who had 452
been employed by the county board not less than one calendar year 453
of the termination of employment with the board on which the 454
former employee before the individual would begin to serve. 455~~

~~(B) A person may not serve as a member of a the county board 456
of mental retardation and developmental disabilities when either 457
the person or a member of the person's; 458~~

~~(E) An individual who or whose immediate family member is a 459
board member of a contract an agency ~~of that~~ contracting with the 460
county board unless there is no conflict of interest. ~~In no~~ 461
~~circumstance shall a member of a county board vote on any matter~~ 462
~~before the board concerning a contract agency of which the member~~ 463
~~or a member of the member's immediate family is also a board~~ 464
~~member or an employee. All questions as determined, if there is a~~ 465
~~question relating to the existence of a conflict of interest ~~shall~~~~ 466
~~be submitted to, by the local prosecuting attorney and the Ohio 467~~~~

ethics commission ~~for resolution.~~ 468

~~(C) No;~~ 469

~~(F) An employee of an agency contracting with a the county board of mental retardation and developmental disabilities or member of the or an immediate family member 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.~~ 470
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~~(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;~~ 477
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~~(G) An individual with an immediate family member who serves as a county commissioner of the a county served by the county board unless the person individual was a member or employee prior to of the county board before October 31, 1980.~~ 480
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~~(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.~~ 484
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~~(F) Notwithstanding any provision of the Revised Code to the contrary, including applicable provisions of sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a county board of mental retardation and developmental disabilities also may be a member of the governing board of an agency or a political subdivision, including the board of education of a school district. The county board of mental retardation and developmental disabilities may contract with the governing board of an agency or political subdivision whose member is also an employee of the county board, provided that in no circumstances shall such employee of the county board vote on any matter before~~ 488
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~~the governing board of the agency or political subdivision 499
concerning a county board contract or participate in any 500
discussion or debate regarding that contract. 501~~

Sec. 5126.0210. (A) No individual may be appointed or 502
reappointed to a county board of mental retardation and 503
developmental disabilities unless the individual, before the 504
appointment or reappointment, provides to the appointing authority 505
a written declaration specifying both of the following: 506

(1) That no circumstance described in section 5126.029 of the 507
Revised Code exists that bars the individual from serving on the 508
county board; 509

(2) Whether the individual or an immediate family member of 510
the individual has an ownership interest in or is under contract 511
with an agency contracting with the county board, and, if such an 512
ownership interest or contract exists, the identity of the agency 513
and the nature of the relationship to that agency. 514

(B) On appointment or reappointment of an individual to the 515
county board, the appointing authority shall provide a copy of the 516
individual's declaration to the superintendent of the county 517
board. The declaration is a public record for the purpose of 518
section 149.43 of the Revised Code. 519

Sec. 5126.0211. Except for members appointed under section 520
5126.0213 of the Revised Code to fill a vacancy, members of a 521
county board of mental retardation and developmental disabilities 522
shall be appointed or reappointed not later than the last day of 523
November, commence their terms on the date of the stated annual 524
organizational meeting in the following January as provided under 525
section 5126.0215 of the Revised Code, and serve terms of four 526
years. The membership of an individual appointed as a relative of 527
a recipient of services shall not be terminated because the 528

services are no longer received. 529

Sec. 5126.02 5126.0212. ~~(A) As used in this section,~~ 530
~~"relative" means a spouse, parent, parent in law, sibling,~~ 531
~~sibling in law, child, child in law, grandparent, aunt, or uncle.~~ 532

~~(B)(1) There is hereby created in each county a county board~~ 533
~~of mental retardation and developmental disabilities consisting of~~ 534
~~seven members, five of whom shall be appointed by the board of~~ 535
~~county commissioners of the county, and two of whom shall be~~ 536
~~appointed by the probate judge of the county. Each member shall be~~ 537
~~a resident of the county. The membership of the board shall, as~~ 538
~~nearly as possible, reflect the composition of the population of~~ 539
~~the county.~~ 540

~~All board members shall be persons interested and~~ 541
~~knowledgeable in the field of mental retardation and other allied~~ 542
~~fields. All board members shall be citizens of the United States.~~ 543
~~Of the members appointed by the board of county commissioners, at~~ 544
~~least two shall be relatives of persons eligible for services~~ 545
~~provided by the county board of mental retardation and~~ 546
~~developmental disabilities, and, whenever possible, one shall be a~~ 547
~~relative of a person eligible for adult services, and the other~~ 548
~~shall be a relative of a person eligible for early intervention~~ 549
~~services or services for pre school or school age children. Of the~~ 550
~~two members appointed by the probate judge, at least one shall be~~ 551
~~a relative of a person eligible for residential services or~~ 552
~~supported living.~~ 553

~~Both the board of county commissioners and the probate judge~~ 554
~~shall appoint under this section, to the maximum extent possible,~~ 555
~~members who fulfill any applicable requirements of this section~~ 556
~~for appointment and who also have professional training and~~ 557
~~experience in business management, finance, law, health care~~ 558

~~practice, personnel administration, or government service.~~ 559

~~(2) All appointments shall be for terms of four years. The membership of a person appointed as a relative of a recipient of services shall not be terminated because the services are no longer received.~~ 560
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~~Members may be reappointed, except~~ Except as otherwise 564
~~provided in division (B)(3) of this section and section 5126.022~~ 565
5126.0224 of the Revised Code, a member of a county board of 566
mental retardation and developmental disabilities may be 567
reappointed to the county board. Prior to making a reappointment, 568
the appointing authority shall ascertain, through written 569
communication with the board, that the member being considered for 570
reappointment meets the requirements of ~~this section and section~~ 571
~~5126.022~~ sections 5126.028 and 5126.0224 of the Revised Code. 572

~~(3) 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 years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two years.~~ 573
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~~(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.~~ 579
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~~(5) Board members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the conduct of~~ 588
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~~board business, including those incurred within the county of
residence.~~

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~~(C) Each year each board member shall attend at least one
in-service training session provided by or approved by the
department of mental retardation and developmental disabilities.
These training sessions shall not be considered regularly
scheduled meetings of the board.~~

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~~(D) A county board of mental retardation and developmental
disabilities shall be operated as a separate administrative and
service entity. The board's functions shall not be combined with
the functions of any other entity of county government.~~

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Sec. 5126.0213. Within sixty days after a vacancy on a county
board of mental retardation and developmental disabilities occurs,
including a vacancy created under section 5126.0219 of the Revised
Code, the appointing authority shall fill the vacancy for the
unexpired term. A member appointed to fill a vacancy occurring
before the expiration of the term for which the member's
predecessor was appointed shall hold office for the remainder of
that term.

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Sec. 5126.0214. Members of a county board of mental
retardation and developmental disabilities shall serve without
compensation, but shall be reimbursed for necessary expenses
incurred in the conduct of county board business, including
expenses that are incurred in the member's county of residence.

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~~Sec. 5126.022~~ 5126.0215. Each county board of mental
retardation and developmental disabilities shall hold an
organizational meeting no later than the thirty-first day of
January of each year and shall elect its officers, which shall
include a president, vice-president, and recording secretary.

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After its annual organizational meeting, the board shall meet in 619
such manner and at such times as prescribed by rules adopted by 620
the board, but the board shall meet at least ten times annually in 621
regularly scheduled sessions in accordance with section 121.22 of 622
the Revised Code, not including in-service training sessions. A 623
majority of the board constitutes a quorum. The board shall adopt 624
rules for the conduct of its business and a record shall be kept 625
of board proceedings, which shall be open for public inspection. 626

~~A board member shall be removed from the board by the 627
appointing authority for neglect of duty, misconduct, malfeasance, 628
failure to attend at least one in service training session each 629
year, a violation of section 5126.021 of the Revised Code, or upon 630
the absence of a member within one year from either four regularly 631
scheduled board meetings or from two regularly scheduled board 632
meetings if the member gave no prior notice of the member's 633
absence. This removal provision does not apply to absences from 634
special meetings or work sessions. The board shall supply the 635
board member and the member's appointing authority with written 636
notice of the charges against the member. The appointing authority 637
shall afford the member an opportunity for a hearing, in 638
accordance with procedures it adopts, and shall, upon determining 639
that the charges are accurate, remove the member and appoint 640
another person to complete the member's term. 641~~

~~A member removed from the board is ineligible for 642
reappointment for not less than one year. When a member is 643
removed, the appointing authority shall specify the time during 644
which the member is ineligible for reappointment. If the member is 645
removed for failing to attend in service training, the board also 646
shall specify the training the member must complete prior to being 647
eligible for reappointment. 648~~

Sec. 5126.0216. Each year, each member of a county board of 649

mental retardation and developmental disabilities shall attend at 650
least one in-service training session provided or approved by the 651
department of mental retardation and developmental disabilities. 652
These training sessions shall not be considered regularly 653
scheduled meetings of the county board. 654

Sec. 5126.0217. A member of a county board of mental 655
retardation and developmental disabilities shall be considered 656
present at a meeting or in-service training session even though 657
the member is not physically present in the room in which the 658
meeting or session is held if the member is connected to the 659
meeting or session through a system that enables the member to 660
communicate with the individuals participating in the meeting or 661
session and such individuals to communicate with the member. 662

Sec. 5126.0218. In no circumstance shall a member of a county 663
board of mental retardation and developmental disabilities vote on 664
any matter before the county board concerning a contract agency of 665
which the member or an immediate family member of the member is 666
also a board member or an employee. 667

Sec. 5126.0219. (A) Subject to sections 5126.0220 and 668
5126.0223 of the Revised Code, an appointing authority shall 669
remove a member of a county board of mental retardation and 670
developmental disabilities for any of the following reasons: 671

(1) Neglect of duty; 672

(2) Misconduct; 673

(3) Malfeasance; 674

(4) Ineligibility to serve on the county board pursuant to 675
section 5126.029 of the Revised Code; 676

(5) Failure to attend at least one in-service training 677

session each year; 678

(6) Failure to attend four regularly scheduled board meetings; 679
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(7) Failure to attend two regularly scheduled board meetings if the member gave no prior notice of the member's absence; 681
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(8) Consistently poor performance on the county board, as demonstrated by documentation that the superintendent of the county board provides to the appointing authority and the appointing authority determines is convincing evidence. 683
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(B) The removal provisions of divisions (A)(6) and (7) of this section do not apply to absences from special meetings or work sessions. 687
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Sec. 5126.0220. An appointing authority shall not remove a member of a county board of mental retardation and developmental disabilities from the county board by reason of division (A)(5), (6), or (7) of section 5126.0219 of the Revised Code if the director of mental retardation and developmental disabilities waives the requirement that the member be removed. The director may issue the waiver only if the appointing authority requests that the director issue the waiver and provides the director evidence that is satisfactory to the director that the member's absences from the in-service training sessions or regularly scheduled board meetings are due to a serious health problem of the member or a member of the member's immediate family. The director's decision on whether to issue the waiver is final and not subject to appeal. 690
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The county board on which the member serves may pass a resolution urging the appointing authority to request that the director issue the waiver. The member whose absences from the sessions or meetings are at issue may not vote on the resolution. 704
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The appointing authority may request the waiver regardless of 708
whether the county board adopts the resolution. 709

Sec. 5126.0221. If there are grounds for the mandatory 710
removal of a member of a county board of mental retardation and 711
developmental disabilities under section 5126.0219 of the Revised 712
Code, the county board shall supply the board member and the 713
member's appointing authority with written notice of the grounds. 714

Sec. 5126.0222. An appointing authority shall afford a member 715
of a county board of mental retardation and developmental 716
disabilities an opportunity for a hearing on the member's proposed 717
removal in accordance with procedures the appointing authority 718
shall establish, unless the appointing authority requested that 719
the director of mental retardation and developmental disabilities 720
waive the mandatory removal under section 5126.0220 of the Revised 721
Code and the director refused to issue the waiver. The appointing 722
authority shall hold the hearing if the member requests the 723
hearing not later than thirty days after the date that the county 724
board sends the member the notice required by section 5126.0221 of 725
the Revised Code. 726

Sec. 5126.0223. If a member of a county board of mental 727
retardation and developmental disabilities requests a hearing 728
within the time required by section 5126.0222 of the Revised Code, 729
the appointing authority may not remove the member from the board 730
before the conclusion of the hearing. 731

Sec. 5126.0224. A member of a county board of mental 732
retardation and developmental disabilities who is removed from the 733
county board is ineligible for reappointment to the board for not 734
less than one year. The appointing authority shall specify the 735
time during which the member is ineligible for reappointment. If 736

the member is removed under division (A)(5) of section 5126.0219 737
of the Revised Code, the county board shall specify the training 738
the member must complete before being eligible for reappointment. 739

Sec. ~~5126.023~~ 5126.0225. (A) Each county board of mental 740
retardation and developmental disabilities shall either employ a 741
superintendent or obtain the services of the superintendent of 742
another county board of mental retardation and developmental 743
disabilities. The board shall provide for a superintendent who is 744
qualified, as specified in rules adopted by the department of 745
mental retardation and developmental disabilities in accordance 746
with Chapter 119. of the Revised Code. The superintendent shall 747
have no voting privileges on the board. 748

The board shall prescribe the duties of its superintendent 749
and review the superintendent's performance. The superintendent 750
may be removed, suspended, or demoted for cause pursuant to 751
section 5126.23 of the Revised Code. The board shall fix the 752
superintendent's compensation and reimburse the superintendent for 753
actual and necessary expenses. 754

Each county board that employs its own superintendent shall 755
employ the superintendent under a contract. To enter into a 756
contract, the board shall adopt a resolution agreeing to the 757
contract. Each contract for employment or re-employment of a 758
superintendent shall be for a term of not less than one and not 759
more than five years. At the expiration of a superintendent's 760
current term of employment, the superintendent ~~shall~~ may be 761
re-employed ~~for a term of one year at the same salary, plus any~~ 762
~~increments that may be authorized by the board, unless.~~ If the 763
board ~~gives~~ intends not to re-employ the superintendent, the board 764
shall give the superintendent written notification of its 765
intention ~~not to re-employ the superintendent. With regard to an~~ 766

~~initial contract, if the contract is for one year, the notice shall be provided not less than sixty days prior to the contract's expiration; if the contract is for more than one year, the notice shall be provided not less than ninety days prior to the contract's expiration. With regard to contracts for re-employment, the The notice shall be given not less than ~~ninety~~ thirty days prior to the ~~contract's~~ expiration, ~~regardless of its duration~~ the superintendent's contract.~~

(B) Two or more county boards may enter into an arrangement under which the superintendent of one county board acts as the superintendent of another county board. To enter into such an arrangement, each board shall adopt a resolution agreeing to the arrangement. The resolutions shall specify the duration of the arrangement and the contribution each board is to make to the superintendent's compensation and reimbursement for expenses.

(C) If a vacancy occurs in the position of superintendent, a county board may appoint a person who holds a valid superintendent's certificate issued under the rules of the department to work under a contract for an interim period not to exceed one hundred eighty days until a permanent superintendent can be employed or arranged for under division (A) or (B) of this section. The director of the department may approve additional periods of time for these types of interim appointments when so requested by a resolution adopted by a county board, if the director determines that the additional periods are warranted and the services of a permanent superintendent are not available.

Sec. ~~5126.024~~ 5126.0226. The superintendent of the county board of mental retardation and developmental disabilities 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 798
Chapters 3323. and 5126. of the Revised Code; 799

(C) Employ persons for all positions authorized by the board, 800
approve contracts of employment for management employees that are 801
for a term of one year or less, and approve personnel actions that 802
involve employees in the classified civil service as may be 803
necessary for the work of the board; 804

(D) Approve compensation for employees within the limits set 805
by the salary schedule and budget set by the board and in 806
accordance with section 5126.26 of the Revised Code, and ensure 807
that all employees and consultants are properly reimbursed for 808
actual and necessary expenses incurred in the performance of 809
official duties; 810

(E) Provide consultation to public agencies as defined in 811
division (C) of section 102.01 of the Revised Code, including 812
other county boards of mental retardation and developmental 813
disabilities, and to individuals, agencies, or organizations 814
providing services supported by the board. 815

The superintendent may authorize the payment of board 816
obligations by the county auditor. 817

Sec. 5126.0227. (A) As used in this section, "direct services 818
position" and "specialized services" have the same meanings as in 819
section 5126.281 of the Revised Code. 820

(B) Except as provided in division (C) of this section, none 821
of the following individuals may be employed by a county board of 822
mental retardation and developmental disabilities: 823

(1) An employee of an agency contracting with the county 824
board; 825

(2) An immediate family member of an employee of an agency 826
contracting with the county board unless the county board adopts a 827

resolution authorizing the immediate family member's employment 828
with the county board; 829

(3) An individual with an immediate family member who serves 830
as a county commissioner of any of the counties served by the 831
county board unless the individual was an employee of the county 832
board before October 31, 1980; 833

(4) An individual who is employed by, has an ownership 834
interest in, or is a member of the governing board of an entity 835
that provides specialized services, regardless of whether the 836
entity contracts with the county board to provide specialized 837
services. 838

(C) An individual may be employed by a county board while 839
also being employed by a private agency under contract with the 840
board or by a private entity that provides specialized services, 841
if both of the following are the case: 842

(1) The individual is employed by the agency or entity to 843
serve in a direct services position. 844

(2) The individual's employment by the agency or entity does 845
not include any administrative duties that, in the opinion of the 846
county board, might conflict with the individual's employment by 847
the county board. 848

Sec. 5126.0228. As used in this section, "specialized 849
services" has the same meaning as in section 5126.281 of the 850
Revised Code. 851

Notwithstanding any provision of the Revised Code to the 852
contrary, including applicable provisions of sections 102.03, 853
102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a 854
county board of mental retardation and developmental disabilities 855
also may be a member of the governing board of a political 856
subdivision, including the board of education of a school 857

district, or an agency that does not provide specialized services. 858
The county board may contract with such a governing board even 859
though the governing board includes an individual who is an 860
employee of the county board. That member of the governing board 861
may not vote on any matter before the governing board concerning a 862
contract with the county board or participate in any discussion or 863
debate regarding such a contract. 864

Sec. 5126.03. As used in this section and in sections 865
5126.031 to 5126.034 of the Revised Code: 866

(A) "Direct services contract" means any legally enforceable 867
agreement with an individual, agency, or other entity that, 868
pursuant to its terms or operation, may result in a payment from a 869
county board of mental retardation and developmental disabilities 870
to an eligible person or to a member of the immediate family of an 871
eligible person for services rendered to the eligible person. 872
"Direct services contract" includes a contract for supported 873
living pursuant to sections 5126.40 to 5126.47 of the Revised 874
Code, family support services under section 5126.11 of the Revised 875
Code, and reimbursement for transportation expenses. 876

(B) "Eligible person" means a person eligible to receive 877
services from a county board or from an entity under contract with 878
a county board. 879

(C) "Former board member" means a person whose service on the 880
county board ended less than one year prior to commencement of 881
services under a direct services contract. 882

(D) "Former employee" means a person whose employment by the 883
county board ended less than one year prior to commencement of 884
services under a direct services contract. 885

~~(E) "Immediate family" has the same meaning as in section 886
5126.021 of the Revised Code. 887~~

Sec. 5126.031. (A) Except as provided in division (B) of this 888
section, annually at the ~~organization~~ organizational meeting 889
required by section ~~5126.022~~ 5126.0215 of the Revised Code, the 890
chairperson of the county board of mental retardation and 891
developmental disabilities shall appoint three members of the 892
board to an ethics council to review all direct services 893
contracts. The board's chairperson may be one of those appointed. 894
The superintendent of the board shall be a nonvoting member of the 895
council. The chairperson shall not appoint a person to the council 896
if the person, or any member of the person's immediate family, 897
will have any interest in any direct services contract under 898
review by the council while the person serves on the council or 899
during the twelve-month period after completing service on the 900
council. If a council member or a member of the council member's 901
immediate family has or will have such an interest, the 902
chairperson shall replace the member by appointing another board 903
member to the council. 904

The council shall meet regularly as directed by the board to 905
perform its duties. Minutes shall be kept of the actions of the 906
council. The minutes shall be part of the public record of the 907
county board. 908

Any action taken by the council on direct services contracts 909
under its review shall be in public. The council shall afford an 910
affected party the opportunity to meet with the council on matters 911
related to a direct services contract or any action taken by the 912
council. 913

(B) If a county board establishes a policy specifying that 914
the board is not willing to enter into direct services contracts 915
with any person who is a board member or former board member or a 916
member of the immediate family of a board member or former board 917
member, the board may assume the responsibilities and perform the 918

duties of an ethics council specified in section 5126.032 of the Revised Code. The policy shall be established by resolution adopted by a majority of the members of the board in attendance at a meeting at which there is a quorum and shall be in effect for one year after its adoption, at which time the board shall, by resolution adopted in the same manner as the initial resolution, either renew the policy or establish a new one.

Sec. 5126.033. (A) A county board of mental retardation and developmental disabilities shall not enter into a direct services contract unless the contract is limited either to the actual amount of the expenses or to a reasonable and allowable amount projected by the board.

(B) A county board shall not enter into a direct services contract that would result in payment to a board member, former board member, employee, former employee, or member of the immediate family of a board member, former board member, employee, or former employee if the person who would receive services under the contract stands to receive any preferential treatment or any unfair advantage over other eligible persons.

(C) A county board shall not enter into a direct services contract ~~for services provided in accordance with section 5126.11 or sections 5126.40 to 5126.46 of the Revised Code~~ under which an individual, agency, or other entity will employ a ~~management employee, professional employee, or service employee, as defined in section 5126.20 of the Revised Code,~~ an individual who is also an employee of that county board unless all of the following conditions are met:

~~(1) The employee is not in a capacity to influence the award of the contract.~~

~~(2) The employee has not attempted in any manner to secure~~

~~the contract on behalf of the individual, agency, or other entity.~~ 949

~~(3) The employee is not in management level two or three according to rules adopted by the director of mental retardation and developmental disabilities.~~ 950
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~~(4) The employee is not employed by the board during the period when the contract is developed as an administrator or supervisor responsible for approving or supervising services to be provided under the contract and agrees not to take such a position while the contract is in effect, regardless of whether the position is related to the services provided under the contract.~~ 953
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~~(5) The employee has not taken any actions that create the need for the services to be provided under the contract.~~ 959
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~~(6) The individual, agency, or other entity seeks the services of the employee because of the employee's expertise and familiarity with the care and condition of one or more eligible persons and other individuals with such expertise and familiarity are unavailable, or an eligible person has requested to have the services provided by that employee.~~ 961
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~~The superintendent of the county board shall notify the employee and the individual, agency, or other entity that seeks the employee's services of the ethics council's determination under section 5126.032 of the Revised Code regarding the contract. The council's determination shall be binding on all parties.~~ 967
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~~The employee who is the subject of the contract shall inform the superintendent of the county board of any employment the employee has outside the county board that is with any individual, agency, or other entity that has a contract with the county board the individual is employed by the county board pursuant to division (C) of section 5126.0227 of the Revised Code.~~ 972
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Sec. 5126.034. (A) If the requirements of section 5126.033 of 978

the Revised Code have been met for a particular direct services 979
contract, a member of a county board of mental retardation and 980
developmental disabilities, former board member, board employee, 981
or former employee, or an immediate family member of a county 982
board member, former board member, employee, or former employee, 983
is not in violation of the restrictions in Chapter 102. and 984
sections 2921.42 ~~and 5126.021, 5126.029, and 5126.0227~~ of the 985
Revised Code with regard to that contract. 986

(B) Nothing in section 5126.033 of the Revised Code shall be 987
construed to allow a member or employee of a county board to 988
authorize, or use the authority of the member's or employee's 989
office or employment to secure authorization of, a contract that 990
could result in receipt by the board member or employee or a 991
member of the immediate family of the board member or employee of 992
payment for expenses incurred on behalf of an immediate family 993
member who is an eligible person. 994

Sec. 5126.037. No county board of mental retardation and 995
developmental disabilities shall contract with an agency whose 996
board includes a county commissioner of any of the counties served 997
by the county board. 998

Sec. 5126.038. (A)(1) As used in this section, "professional 999
services" means all of the following services provided on behalf 1000
of a county board of mental retardation and developmental 1001
disabilities, employees of a county board, or both: 1002

(a) Lobbying and other governmental affairs services; 1003

(b) Legal services other than the legal services provided by 1004
a county prosecutor; 1005

(c) Public relation services; 1006

(d) Consulting services; 1007

<u>(e) Personnel training services.</u>	1008
<u>(2) "Professional services" does not mean services provided pursuant to a service contract as defined in section 5126.035 of the Revised Code.</u>	1009 1010 1011
<u>(B) No county board of mental retardation and developmental disabilities may pay to any one entity more than a total of twenty-five thousand dollars in a calendar year for membership dues and professional services without the approval of the board of county commissioners of each county that the county board serves. The county board shall notify the county auditor of each county that the county board serves whenever the county board obtains such approval. The notice shall name the entity that is to receive the payment.</u>	1012 1013 1014 1015 1016 1017 1018 1019 1020
Sec. 5126.30. As used in sections 5126.30 to 5126.34 of the Revised Code:	1021 1022
(A) "Adult" means a person eighteen years of age or older with mental retardation or a developmental disability.	1023 1024
(B) "Caretaker" means a person who is responsible for the care of an adult by order of a court, including an order of guardianship, or who assumes the responsibility for the care of an adult as a volunteer, as a family member, by contract, or by the acceptance of payment for care.	1025 1026 1027 1028 1029
(C) "Abuse" has the same meaning as in section 5123.50 of the Revised Code, except that it includes a misappropriation, as defined in that section.	1030 1031 1032
(D) "Neglect" has the same meaning as in section 5123.50 of the Revised Code.	1033 1034
(E) "Exploitation" means the unlawful or improper act of a caretaker using an adult or an adult's resources for monetary or personal benefit, profit, or gain, including misappropriation, as	1035 1036 1037

defined in section 5123.50 of the Revised Code, of an adult's 1038
resources. 1039

(F) "Working day" means Monday, Tuesday, Wednesday, Thursday, 1040
or Friday, except when that day is a holiday as defined in section 1041
1.14 of the Revised Code. 1042

(G) "Incapacitated" means lacking understanding or capacity, 1043
with or without the assistance of a caretaker, to make and carry 1044
out decisions regarding food, clothing, shelter, health care, or 1045
other necessities, but does not include mere refusal to consent to 1046
the provision of services. 1047

(H) "Emergency protective services" means protective services 1048
furnished to a person with mental retardation or a developmental 1049
disability to prevent immediate physical harm. 1050

(I) "Protective services" means services provided by the 1051
county board of mental retardation and developmental disabilities 1052
to an adult with mental retardation or a developmental disability 1053
for the prevention, correction, or discontinuance of an act of as 1054
well as conditions resulting from abuse, neglect, or exploitation. 1055

(J) "Protective service plan" means an individualized plan 1056
developed by the county board of mental retardation and 1057
developmental disabilities to prevent the further abuse, neglect, 1058
or exploitation of an adult with mental retardation or a 1059
developmental disability. 1060

(K) "Substantial risk" has the same meaning as in section 1061
2901.01 of the Revised Code. 1062

(L) "Party" means all of the following: 1063

(1) An adult who is the subject of a probate proceeding under 1064
sections 5126.30 to 5126.33 of the Revised Code; 1065

(2) A caretaker, unless otherwise ordered by the probate 1066
court; 1067

(3) Any other person designated as a party by the probate court including but not limited to, the adult's spouse, custodian, guardian, or parent.

(M) "Board" ~~has the same meaning as in section 5126.02 of the Revised Code~~ means a county board of mental retardation and developmental disabilities.

Sec. 5705.191. The taxing authority of any subdivision, other than the board of education of a school district or the taxing authority of a county school financing district, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the subdivision, and that it is necessary to levy a tax in excess of such limitation for any of the purposes in section 5705.19 of the Revised Code, or to supplement the general fund for the purpose of making appropriations for one or more of the following purposes: public assistance, human or social services, relief, welfare, hospitalization, health, and support of general hospitals, and that the question of such additional tax levy shall be submitted to the electors of the subdivision at a general, primary, or special election to be held at a time therein specified. Such resolution shall not include a levy on the current tax list and duplicate unless such election is to be held at or prior to the general election day of the current tax year. Such resolution shall conform to the requirements of section 5705.19 of the Revised Code, except that a levy to supplement the general fund for the purposes of public assistance, human or social services, relief, welfare, hospitalization, health, or the support of general or tuberculosis hospitals may not be for a longer period than ten years. All other levies under this section may not be for

a longer period than five years unless a longer period is 1099
permitted by section 5705.19 of the Revised Code, and the 1100
resolution shall specify the date of holding such election, which 1101
shall not be earlier than seventy-five days after the adoption and 1102
certification of such resolution. The resolution shall go into 1103
immediate effect upon its passage and no publication of the same 1104
is necessary other than that provided for in the notice of 1105
election. A copy of such resolution, immediately after its 1106
passage, shall be certified to the board of elections of the 1107
proper county or counties in the manner provided by section 1108
5705.25 of the Revised Code, and such section shall govern the 1109
arrangements for the submission of such question and other matters 1110
with respect to such election, to which section 5705.25 of the 1111
Revised Code refers, excepting that such election shall be held on 1112
the date specified in the resolution, which shall be consistent 1113
with the requirements of section 3501.01 of the Revised Code, 1114
provided that only one special election for the submission of such 1115
question may be held in any one calendar year and provided that a 1116
special election may be held upon the same day a primary election 1117
is held. Publication of notice of such election shall be made in 1118
one or more newspapers of general circulation in the county once a 1119
week for four consecutive weeks. 1120

If a majority of the electors voting on the question vote in 1121
favor thereof, the taxing authority of the subdivision may make 1122
the necessary levy within such subdivision at the additional rate 1123
or at any lesser rate outside the ten-mill limitation on the tax 1124
list and duplicate for the purpose stated in the resolution. Such 1125
tax levy shall be included in the next annual tax budget that is 1126
certified to the county budget commission. 1127

After the approval of such a levy by the electors, the taxing 1128
authority of the subdivision may anticipate a fraction of the 1129
proceeds of such levy and issue anticipation notes. In the case of 1130

a continuing levy that is not levied for the purpose of current 1131
expenses, notes may be issued at any time after approval of the 1132
levy in an amount not more than fifty per cent of the total 1133
estimated proceeds of the levy for the succeeding ten years, less 1134
an amount equal to the fraction of the proceeds of the levy 1135
previously anticipated by the issuance of anticipation notes. In 1136
the case of a levy for a fixed period that is not for the purpose 1137
of current expenses, notes may be issued at any time after 1138
approval of the levy in an amount not more than fifty per cent of 1139
the total estimated proceeds of the levy throughout the remaining 1140
life of the levy, less an amount equal to the fraction of the 1141
proceeds of the levy previously anticipated by the issuance of 1142
anticipation notes. In the case of a levy for current expenses, 1143
notes may be issued after the approval of the levy by the electors 1144
and prior to the time when the first tax collection from the levy 1145
can be made. Such notes may be issued in an amount not more than 1146
fifty per cent of the total estimated proceeds of the levy 1147
throughout the term of the levy in the case of a levy for a fixed 1148
period, or fifty per cent of the total estimated proceeds for the 1149
first ten years of the levy in the case of a continuing levy. 1150

No anticipation notes that increase the net indebtedness of a 1151
county may be issued without the prior consent of the board of 1152
county commissioners of that county. The notes shall be issued as 1153
provided in section 133.24 of the Revised Code, shall have 1154
principal payments during each year after the year of their 1155
issuance over a period not exceeding the life of the levy 1156
anticipated, and may have a principal payment in the year of their 1157
issuance. 1158

"Taxing authority" and "subdivision" have the same meanings 1159
as in section 5705.01 of the Revised Code. 1160

"Human or social services" includes a county's contributions 1161
to a multi-county board of mental retardation and developmental 1162

disabilities of which the county is a member. 1163

This section is supplemental to and not in derogation of 1164
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 1165

Sec. 5705.222. (A) At any time the board of county 1166
commissioners of any county by a majority vote of the full 1167
membership may declare by resolution and certify to the board of 1168
elections of the county that the amount of taxes which may be 1169
raised within the ten-mill limitation by levies on the current tax 1170
duplicate will be insufficient to provide the necessary 1171
requirements of the single county board of mental retardation and 1172
developmental disabilities established pursuant to Chapter 5126. 1173
of the Revised Code, or the county's contribution to a 1174
multi-county board created under that chapter of which the county 1175
is a member, and that it is necessary to levy a tax in excess of 1176
such limitation for the operation of programs and services by 1177
county boards of mental retardation and developmental disabilities 1178
and for the acquisition, construction, renovation, financing, 1179
maintenance, and operation of mental retardation and developmental 1180
disabilities facilities. 1181

Such resolution shall conform to section 5705.19 of the 1182
Revised Code, except that the increased rate may be in effect for 1183
any number of years not exceeding ten or for a continuing period 1184
of time. 1185

The resolution shall be certified and submitted in the manner 1186
provided in section 5705.25 of the Revised Code, except that it 1187
may be placed on the ballot in any election, and shall be 1188
certified to the board of elections not less than seventy-five 1189
days before the election at which it will be voted upon. 1190

If the majority of the electors voting on a levy for the 1191
support of the programs and services of the county board of mental 1192

retardation and developmental disabilities vote in favor of the 1193
levy, the board of county commissioners may levy a tax within the 1194
county at the additional rate outside the ten-mill limitation 1195
during the specified or continuing period, for the purpose stated 1196
in the resolution. The county board of mental retardation and 1197
developmental disabilities, within its budget and with the 1198
approval of the board of county commissioners through annual 1199
appropriations, shall use the proceeds of a levy approved under 1200
this section solely for the purposes authorized by this section. 1201

(B) When electors have approved a tax levy under this 1202
section, the county commissioners may anticipate a fraction of the 1203
proceeds of the levy and issue anticipation notes in accordance 1204
with section 5705.191 or 5705.193 of the Revised Code. 1205

(C) The county auditor, upon receipt of a resolution from the 1206
county board of mental retardation and developmental disabilities, 1207
shall establish a capital improvements account or a reserve 1208
balance account, or both, as specified in the resolution. The 1209
capital improvements account shall be a contingency account for 1210
the necessary acquisition, replacement, renovation, or 1211
construction of facilities and movable and fixed equipment. Upon 1212
the request of the county board of mental retardation and 1213
developmental disabilities, moneys not needed to pay for current 1214
expenses may be appropriated to this account, in amounts such that 1215
this account does not exceed twenty-five per cent of the 1216
replacement value of all capital facilities and equipment 1217
currently used by the county board of mental retardation and 1218
developmental disabilities for mental retardation and 1219
developmental disabilities programs and services. Other moneys 1220
available for current capital expenses from federal, state, or 1221
local sources may also be appropriated to this account. 1222

The reserve balance account shall contain those moneys that 1223
are not needed to pay for current operating expenses and not 1224

deposited in the capital improvements account but that will be 1225
needed to pay for operating expenses in the future. Upon the 1226
request of a county board of mental retardation and developmental 1227
disabilities, the board of county commissioners may appropriate 1228
moneys to the reserve balance account. 1229

Section 2. That existing sections 5126.01, 5126.02, 5126.021, 1230
5126.022, 5126.023, 5126.024, 5126.03, 5126.031, 5126.033, 1231
5126.034, 5126.30, 5705.191, and 5705.222 of the Revised Code are 1232
hereby repealed. 1233

Section 3. (A) As used in this section, "immediate family" 1234
has the same meaning as in section 5126.01 of the Revised Code. 1235

Not later than thirty days after the effective date of this 1236
section, each individual who serves as a member of a county board 1237
of mental retardation and developmental disabilities on the 1238
effective date of this section shall provide to the superintendent 1239
of the county board a written declaration specifying both of the 1240
following: 1241

(1) That no circumstance described in section 5126.029 of the 1242
Revised Code exists that bars the individual from serving on the 1243
county board; 1244

(2) Whether the individual or an immediate family member of 1245
the individual has an ownership interest in or is under contract 1246
with an agency contracting with the county board, and, if such an 1247
ownership interest or contract exists, the identity of the agency 1248
and the nature of the relationship to that agency. 1249

(B) Each declaration provided to a county board 1250
superintendent under this section is a public record for the 1251
purpose of section 149.43 of the Revised Code. 1252