

As Reported by the Senate Judiciary--Civil Justice Committee

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 10

**Senators Jordan, Wachtmann, Mumper, Hottinger, Jacobson, Austria,
Goodman, Carey, Cates, 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, 5126.056, 5126.058, 5126.081, 5126.30, 3
5705.191, and 5705.222, to amend, for the purpose 4
of adopting new section numbers as indicated in 5
parentheses, sections 5126.02 (5126.0212), 6
5126.021 (5126.029), 5126.022 (5126.0215), 7
5126.023 (5126.0225), and 5126.024 (5126.0226), 8
and to enact new sections 5126.02, 5126.021, 9
5126.022, 5126.023, and 5126.024 and sections 10
5126.025, 5126.026, 5126.027, 5126.028, 5126.0210, 11
5126.0211, 5126.0213, 5126.0214, 5126.0216, 12
5126.0217, 5126.0218, 5126.0219, 5126.0220, 13
5126.0221, 5126.0222, 5126.0223, 5126.0224, 14
5126.0227, 5126.0228, 5126.037, and 5126.038 of 15
the Revised Code to revise the law governing 16
county boards of mental retardation and 17
developmental disabilities. 18

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

Section 1. That sections 5126.01, 5126.02, 5126.021, 19
5126.022, 5126.023, 5126.03, 5126.031, 5126.033, 5126.034, 20

5126.056, 5126.058, 5126.081, 5126.30, 5705.191, and 5705.222 be 21
amended, sections 5126.02 (5126.0212), 5126.021 (5126.029), 22
5126.022 (5126.0215), 5126.023 (5126.0225), and 5126.024 23
(5126.0226) be amended for the purpose of adopting new section 24
numbers as indicated in parentheses, and new sections 5126.02, 25
5126.021, 5126.022, 5126.023, and 5126.024 and sections 5126.025, 26
5126.026, 5126.027, 5126.028, 5126.0210, 5126.0211, 5126.0213, 27
5126.0214, 5126.0216, 5126.0217, 5126.0218, 5126.0219, 5126.0220, 28
5126.0221, 5126.0222, 5126.0223, 5126.0224, 5126.0227, 5126.0228, 29
5126.037, and 5126.038 of the Revised Code be enacted to read as 30
follows: 31

Sec. 5126.01. As used in this chapter: 32

(A) As used in this division, "adult" means an individual who 33
is eighteen years of age or over and not enrolled in a program or 34
service under Chapter 3323. of the Revised Code and an individual 35
sixteen or seventeen years of age who is eligible for adult 36
services under rules adopted by the director of mental retardation 37
and developmental disabilities pursuant to Chapter 119. of the 38
Revised Code. 39

(1) "Adult services" means services provided to an adult 40
outside the home, except when they are provided within the home 41
according to an individual's assessed needs and identified in an 42
individual service plan, that support learning and assistance in 43
the area of self-care, sensory and motor development, 44
socialization, daily living skills, communication, community 45
living, social skills, or vocational skills. 46

(2) "Adult services" includes all of the following: 47

(a) Adult day habilitation services; 48

(b) Adult day care; 49

(c) Prevocational services; 50

(d) Sheltered employment;	51
(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;	52 53 54 55 56 57 58
(f) Community employment services and supported employment services.	59 60
(B)(1) "Adult day habilitation services" means adult services that do the following:	61 62
(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;	63 64 65 66 67 68 69 70
(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.	71 72 73 74
(2) "Adult day habilitation services" includes all of the following:	75 76
(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services;	77 78 79 80

(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior management intervention, occupational therapy, speech and language therapy, physical therapy, and nursing services;	81 82 83 84
(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;	85 86 87 88 89 90 91
(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;	92 93 94
(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;	95 96 97 98 99
(f) Transportation necessary to access adult day habilitation services;	100 101
(g) Habilitation management, as described in section 5126.14 of the Revised Code.	102 103
(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.	104 105 106
(C) <u>"Appointing authority" means the following:</u>	107
<u>(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</u>	108 109 110

<u>commissioners;</u>	111
<u>(2) In the case of a member of a county board appointed by,</u>	112
<u>or to be appointed by, a senior probate judge, the senior probate</u>	113
<u>judge.</u>	114
<u>(D)</u> "Community employment services" or "supported employment	115
services" means job training and other services related to	116
employment outside a sheltered workshop. "Community employment	117
services" or "supported employment services" include all of the	118
following:	119
(1) Job training resulting in the attainment of competitive	120
work, supported work in a typical work environment, or	121
self-employment;	122
(2) Supervised work experience through an employer paid to	123
provide the supervised work experience;	124
(3) Ongoing work in a competitive work environment at a wage	125
commensurate with workers without disabilities;	126
(4) Ongoing supervision by an employer paid to provide the	127
supervision.	128
(D) <u>(E)</u> As used in this division, "substantial functional	129
limitation," "developmental delay," and "established risk" have	130
the meanings established pursuant to section 5123.011 of the	131
Revised Code.	132
"Developmental disability" means a severe, chronic disability	133
that is characterized by all of the following:	134
(1) It is attributable to a mental or physical impairment or	135
a combination of mental and physical impairments, other than a	136
mental or physical impairment solely caused by mental illness as	137
defined in division (A) of section 5122.01 of the Revised Code;	138
(2) It is manifested before age twenty-two;	139

(3) It is likely to continue indefinitely;	140
(4) It results in one of the following:	141
(a) In the case of a person under age three, at least one developmental delay or an established risk;	142 143
(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;	144 145
(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age:	146 147 148
self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.	149 150 151 152
(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.	153 154 155 156
(E) (F) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age.	157 158 159 160
(F) (G)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.	161 162 163 164 165 166
(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of	167 168 169

specialized electric and plumbing systems necessary to accommodate 170
the individual's medical equipment and supplies. 171

(3) "Environmental modifications" does not include physical 172
adaptations or improvements to the home that are of general 173
utility or not of direct medical or remedial benefit to the 174
individual, including such adaptations or improvements as 175
carpeting, roof repair, and central air conditioning. 176

~~(G)~~(H) "Family support services" means the services provided 177
under a family support services program operated under section 178
5126.11 of the Revised Code. 179

~~(H)~~(I) "Habilitation" means the process by which the staff of 180
the facility or agency assists an individual with mental 181
retardation or other developmental disability in acquiring and 182
maintaining those life skills that enable the individual to cope 183
more effectively with the demands of the individual's own person 184
and environment, and in raising the level of the individual's 185
personal, physical, mental, social, and vocational efficiency. 186
Habilitation includes, but is not limited to, programs of formal, 187
structured education and training. 188

~~(I)~~(J) "Habilitation center services" means services provided 189
by a habilitation center certified by the department of mental 190
retardation and developmental disabilities under section 5123.041 191
of the Revised Code and covered by the medicaid program pursuant 192
to rules adopted under section 5111.041 of the Revised Code. 193

~~(J)~~(K) "Home and community-based services" means 194
medicaid-funded home and community-based services specified in 195
division (B)(1) of section 5111.87 of the Revised Code and 196
provided under the medicaid components the department of mental 197
retardation and developmental disabilities administers pursuant to 198
section 5111.871 of the Revised Code. 199

~~(K)~~(L) "Immediate family" means parents, brothers, sisters, 200

spouses, sons, daughters, mothers-in-law, fathers-in-law, 201
brothers-in-law, sisters-in-law, sons-in-law, and 202
daughters-in-law. 203

(M) "Medicaid" has the same meaning as in section 5111.01 of 204
the Revised Code. 205

~~(L)~~(N) "Medicaid case management services" means case 206
management services provided to an individual with mental 207
retardation or other developmental disability that the state 208
medicaid plan requires. 209

~~(M)~~(O) "Mental retardation" means a mental impairment 210
manifested during the developmental period characterized by 211
significantly subaverage general intellectual functioning existing 212
concurrently with deficiencies in the effectiveness or degree with 213
which an individual meets the standards of personal independence 214
and social responsibility expected of the individual's age and 215
cultural group. 216

~~(N)~~(P) "Residential services" means services to individuals 217
with mental retardation or other developmental disabilities to 218
provide housing, food, clothing, habilitation, staff support, and 219
related support services necessary for the health, safety, and 220
welfare of the individuals and the advancement of their quality of 221
life. "Residential services" includes program management, as 222
described in section 5126.14 of the Revised Code. 223

~~(O)~~(Q) "Resources" means available capital and other assets, 224
including moneys received from the federal, state, and local 225
governments, private grants, and donations; appropriately 226
qualified personnel; and appropriate capital facilities and 227
equipment. 228

~~(P)~~(R) "Senior probate judge" means the current probate judge 229
of a county who has served as probate judge of that county longer 230
than any of the other current probate judges of that county. If a 231

county has only one probate judge, "senior probate judge" means 232
that probate judge. 233

(S) "Service and support administration" means the duties 234
performed by a service and support administrator pursuant to 235
section 5126.15 of the Revised Code. 236

~~(Q)~~(T)(1) "Specialized medical, adaptive, and assistive 237
equipment, supplies, and supports" means equipment, supplies, and 238
supports that enable an individual to increase the ability to 239
perform activities of daily living or to perceive, control, or 240
communicate within the environment. 241

(2) "Specialized medical, adaptive, and assistive equipment, 242
supplies, and supports" includes the following: 243

(a) Eating utensils, adaptive feeding dishes, plate guards, 244
mylatex straps, hand splints, reaches, feeder seats, adjustable 245
pointer sticks, interpreter services, telecommunication devices 246
for the deaf, computerized communications boards, other 247
communication devices, support animals, veterinary care for 248
support animals, adaptive beds, supine boards, prone boards, 249
wedges, sand bags, sidelayers, bolsters, adaptive electrical 250
switches, hand-held shower heads, air conditioners, humidifiers, 251
emergency response systems, folding shopping carts, vehicle lifts, 252
vehicle hand controls, other adaptations of vehicles for 253
accessibility, and repair of the equipment received. 254

(b) Nondisposable items not covered by medicaid that are 255
intended to assist an individual in activities of daily living or 256
instrumental activities of daily living. 257

~~(R)~~(U) "Supportive home services" means a range of services 258
to families of individuals with mental retardation or other 259
developmental disabilities to develop and maintain increased 260
acceptance and understanding of such persons, increased ability of 261
family members to teach the person, better coordination between 262

school and home, skills in performing specific therapeutic and 263
management techniques, and ability to cope with specific 264
situations. 265

~~(S)~~(V)(1) "Supported living" means services provided for as 266
long as twenty-four hours a day to an individual with mental 267
retardation or other developmental disability through any public 268
or private resources, including moneys from the individual, that 269
enhance the individual's reputation in community life and advance 270
the individual's quality of life by doing the following: 271

(a) Providing the support necessary to enable an individual 272
to live in a residence of the individual's choice, with any number 273
of individuals who are not disabled, or with not more than three 274
individuals with mental retardation and developmental disabilities 275
unless the individuals are related by blood or marriage; 276

(b) Encouraging the individual's participation in the 277
community; 278

(c) Promoting the individual's rights and autonomy; 279

(d) Assisting the individual in acquiring, retaining, and 280
improving the skills and competence necessary to live successfully 281
in the individual's residence. 282

(2) "Supported living" includes the provision of all of the 283
following: 284

(a) Housing, food, clothing, habilitation, staff support, 285
professional services, and any related support services necessary 286
to ensure the health, safety, and welfare of the individual 287
receiving the services; 288

(b) A combination of life-long or extended-duration 289
supervision, training, and other services essential to daily 290
living, including assessment and evaluation and assistance with 291
the cost of training materials, transportation, fees, and 292

supplies;	293
(c) Personal care services and homemaker services;	294
(d) Household maintenance that does not include modifications to the physical structure of the residence;	295 296
(e) Respite care services;	297
(f) Program management, as described in section 5126.14 of the Revised Code.	298 299
<u>Sec. 5126.02. (A) Each county shall either have its own</u>	300
<u>county board of mental retardation and developmental disabilities</u>	301
<u>or, pursuant to section 5126.021 or 5126.022 of the Revised Code,</u>	302
<u>be a member of a multi-county board of mental retardation and</u>	303
<u>developmental disabilities. Subject to division (B) of this</u>	304
<u>section:</u>	305
<u>(1) A county board shall be operated as a separate</u>	306
<u>administrative and service entity.</u>	307
<u>(2) The functions of a county board shall not be combined</u>	308
<u>with the functions of any other entity of county government.</u>	309
<u>(B) Division (A) of this section does not prohibit or</u>	310
<u>restrict any county board from sharing administrative functions or</u>	311
<u>personnel with one or more other county boards, including entering</u>	312
<u>into an arrangement authorized by division (B) of section</u>	313
<u>5126.0225 of the Revised Code.</u>	314
<u>Sec. 5126.021. Subject to section 5126.024 of the Revised</u>	315
<u>Code, a multi-county board of mental retardation and developmental</u>	316
<u>disabilities may be created if each of the following, before</u>	317
<u>January 1, 2007, and within a one-hundred-eighty-day period, adopt</u>	318
<u>an identical resolution or issue an identical order providing for</u>	319
<u>the creation of the multi-county board:</u>	320

(A) A majority of the members of each of the boards of county commissioners seeking to create the multi-county board; 321
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(B) The senior probate judge of each county served by those boards of county commissioners. 323
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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 each of the following, within a sixty-day period, adopt an identical resolution or issue an identical order providing for the county to join the multi-county board: 325
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(A) A majority of the members of the board of county commissioners of the county seeking to join the multi-county board; 332
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(B) A majority of the members of each of the boards of county commissioners that are members of the multi-county board; 335
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(C) The senior probate judge of the county seeking to join the multi-county board; 337
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(D) The senior probate judge of each of the counties that are members of the multi-county board. 339
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Sec. 5126.023. (A) The board of county commissioners of a county that is a member of a multi-county board of mental retardation and developmental disabilities and the senior probate judge of that county may terminate the county's membership in the multi-county board in the manner provided in this section. To terminate the county's membership in the multi-county board, the board of county commissioners shall adopt a resolution, and the senior probate judge shall issue an order, providing for the termination. 341
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(B) A resolution and order of termination adopted or issued 350
under this section shall specify the last day that the county will 351
be a member of the multi-county board. The resolution and order 352
also shall provide for the county to do one of the following on 353
the day immediately following the last day that the county will be 354
a member of the multi-county board: 355

(1) Create a single county board of mental retardation and 356
developmental disabilities; 357

(2) If the day immediately following the last day that the 358
county will be a member of the current multi-county board is 359
before January 1, 2007, co-create a new multi-county board 360
pursuant to section 5126.021 of the Revised Code; 361

(3) Join a different multi-county board pursuant to section 362
5126.022 of the Revised Code. 363

(C) A resolution and an order of termination adopted or 364
issued under this section shall include a plan for the equitable 365
adjustment and division of all services, assets, property, debts, 366
and obligations, if any, of the multi-county board that the county 367
will cease to be a member of. 368

(D) Any county terminating its membership in a multi-county 369
board shall continue to have levied against its tax list and 370
duplicate any tax levied by the board of county commissioners for 371
mental retardation and developmental disability services during 372
the period in which the county was a member of the multi-county 373
board until the levy expires or is renewed or replaced. 374

Sec. 5126.024. Not more than five counties may be members of 375
the same multi-county board of mental retardation and 376
developmental disabilities. Only contiguous counties may be 377
members of the same multi-county board. 378

Sec. 5126.025. A board of county commissioners shall provide 379
the director of mental retardation and developmental disabilities 380
with a copy of each resolution the board adopts under section 381
5126.021, 5126.022, or 5126.023 of the Revised Code. A senior 382
probate judge shall provide the director with a copy of each order 383
the judge issues under those sections. 384

Sec. 5126.026. (A) A reference to a county board of mental 385
retardation and developmental disabilities in a law enacted by the 386
general assembly shall mean the following: 387

(1) In the case of a county with its own county board, a 388
single county board; 389

(2) In the case of a county that is a member of a 390
multi-county board, a multi-county board. 391

(B) Unless the context provides otherwise, a law enacted by 392
the general assembly that refers to a county, or an entity or 393
official of a county, that a county board of mental retardation 394
and developmental disabilities serves shall be deemed to refer to 395
the following: 396

(1) In the case of a county with a single county board, that 397
county or the county entity or official specified in the law; 398

(2) In the case of a county that is a member of a 399
multi-county board, each of the counties that are members of the 400
multi-county board or the specified entity or official of each of 401
those counties. 402

Sec. 5126.027. Each county board of mental retardation and 403
developmental disabilities shall consist of seven members. In the 404
case of a single county board, the board of county commissioners 405
of the county shall appoint five members and the senior probate 406
judge of the county shall appoint two members. In the case of a 407

multi-county board, the membership shall be appointed as follows: 408

(A) If there are five member counties, the board of county 409
commissioners of each of the member counties shall each appoint 410
one member and the senior probate judges of the member counties 411
with the largest and second largest population shall each appoint 412
one member. 413

(B) If there are four member counties, the board of county 414
commissioners of the member county with the largest population 415
shall appoint two members, the other three boards of county 416
commissioners shall each appoint one member, and the senior 417
probate judges of the member counties with the largest and second 418
largest population shall each appoint one member. 419

(C) If there are three member counties, the boards of county 420
commissioners of the member counties with the largest and second 421
largest populations shall each appoint two members, the other 422
board of county commissioners shall appoint one member, and the 423
senior probate judges of the member counties with the largest and 424
second largest population shall each appoint one member. 425

(D) If there are two member counties, the board of county 426
commissioners of the member county with the largest population 427
shall appoint three members, the board of county commissioners of 428
the other county shall appoint two members, and the senior probate 429
judge of each county shall each appoint one member. 430

Sec. 5126.028. (A) As used in this section and section 431
5126.0211 of the Revised Code, "relative" means a spouse, parent, 432
parent-in-law, sibling, sibling-in-law, child, child-in-law, 433
grandparent, aunt, or uncle. 434

(B) When making appointments to a county board of mental 435
retardation and developmental disabilities, an appointing 436
authority shall do all of the following: 437

(1) Appoint only individuals who are residents of the county 438
the appointing authority serves, citizens of the United States, 439
and interested and knowledgeable in the field of mental 440
retardation and other allied fields; 441

(2) If the appointing authority is a board of county 442
commissioners, appoint, subject to division (C) of this section, 443
at least two individuals who are relatives of individuals eligible 444
for services provided by the county board and, whenever possible, 445
ensure that one of those two members is a relative of an 446
individual eligible for adult services and the other is a relative 447
of an individual eligible for early intervention services or 448
services for preschool or school-age children; 449

(3) If the appointing authority is a senior probate judge, 450
appoint, subject to division (C) of this section, at least one 451
individual who is a relative of an individual eligible for 452
residential services or supported living; 453

(4) Appoint, to the maximum extent possible, individuals who 454
have professional training and experience in business management, 455
finance, law, health care practice, personnel administration, or 456
government service; 457

(5) Provide for the county board's membership to reflect, as 458
nearly as possible, the composition of the county or counties that 459
the county board serves. 460

(C) The appointing authorities of a multi-county board shall 461
coordinate their appointments to the extent necessary to satisfy 462
the requirements of this section. The coordination may provide for 463
one of the boards of county commissioners making one of the two 464
appointments required by division (B)(2) of this section and 465
another board of county commissioners making the other appointment 466
required by that division. The coordination shall ensure that at 467
least one of the senior probate judges satisfies the requirement 468

of division (B)(3) of this section.

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~~Sec. 5126.021 5126.029. As used in this section, "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 daughters in law.~~

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

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

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

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

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

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

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~~(5) An individual who or whose immediate family member is a board member of a ~~contract~~ an agency ~~of that~~ contracting with the county board unless there is no conflict of interest. ~~In no~~ circumstance shall a member of a county board vote on any matter before the board concerning a contract agency of which the member or a member of the member's immediate family is also a board~~

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~~member or an employee. All questions relating to the existence of a conflict of interest shall be submitted to the local prosecuting attorney and the Ohio ethics commission for resolution.~~ 499
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~~(C) No i~~ 502

~~(6) 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.~~ 503
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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 i~~ 510
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~~(7) 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.~~ 513
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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.~~ 517
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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~~ 521
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~~employee of the county board, provided that in no circumstances
shall such employee of the county board vote on any matter before
the governing board of the agency or political subdivision
concerning a county board contract or participate in any
discussion or debate regarding that contract.~~

(B) All questions relating to the existence of a conflict of
interest for the purpose of division (A)(5) of this section shall
be submitted to the local prosecuting attorney and the Ohio ethics
commission for resolution.

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

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

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

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

Sec. 5126.0211. Except for members appointed under section
5126.0213 of the Revised Code to fill a vacancy, members of a
county board of mental retardation and developmental disabilities

shall be appointed or reappointed not later than the last day of 560
November, commence their terms on the date of the stated annual 561
organizational meeting in the following January as provided under 562
section 5126.0215 of the Revised Code, and serve terms of four 563
years. The membership of an individual appointed as a relative of 564
a recipient of services shall not be terminated because the 565
services are no longer received. 566

Sec. ~~5126.02~~ 5126.0212. ~~(A) As used in this section,~~ 567
~~"relative" means a spouse, parent, parent in law, sibling,~~ 568
~~sibling in law, child, child in law, grandparent, aunt, or uncle.~~ 569

~~(B)(1) There is hereby created in each county a county board~~ 570
~~of mental retardation and developmental disabilities consisting of~~ 571
~~seven members, five of whom shall be appointed by the board of~~ 572
~~county commissioners of the county, and two of whom shall be~~ 573
~~appointed by the probate judge of the county. Each member shall be~~ 574
~~a resident of the county. The membership of the board shall, as~~ 575
~~nearly as possible, reflect the composition of the population of~~ 576
~~the county.~~ 577

~~All board members shall be persons interested and~~ 578
~~knowledgeable in the field of mental retardation and other allied~~ 579
~~fields. All board members shall be citizens of the United States.~~ 580
~~Of the members appointed by the board of county commissioners, at~~ 581
~~least two shall be relatives of persons eligible for services~~ 582
~~provided by the county board of mental retardation and~~ 583
~~developmental disabilities, and, whenever possible, one shall be a~~ 584
~~relative of a person eligible for adult services, and the other~~ 585
~~shall be a relative of a person eligible for early intervention~~ 586
~~services or services for pre school or school age children. Of the~~ 587
~~two members appointed by the probate judge, at least one shall be~~ 588
~~a relative of a person eligible for residential services or~~ 589

~~supported living.~~

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~~Both the board of county commissioners and the probate judge shall appoint under this section, to the maximum extent possible, members who fulfill any applicable requirements of this section for appointment and who also have professional training and experience in business management, finance, law, health care practice, personnel administration, or government service.~~

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~~(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.~~

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~~Members may be reappointed, except Except as otherwise provided in ~~division (B)(3) of this section and section 5126.022~~ 5126.0224 of the Revised Code, a member of a county board of mental retardation and developmental disabilities may be reappointed to the county board. Prior to making a reappointment, the appointing authority shall ascertain, through written communication with the board, that the member being considered for reappointment meets the requirements of ~~this section and section 5126.022~~ sections 5126.028 and 5126.0224 of the Revised Code.~~

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~~(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.~~

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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.~~

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~~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.~~

~~(5) Board members shall serve without compensation, but shall
be reimbursed for necessary expenses incurred in the conduct of
board business, including those incurred within the county of
residence.~~

~~(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.~~

~~(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.~~

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.

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.

~~Sec. 5126.022~~ 5126.0215. Each county board of mental 651
retardation and developmental disabilities shall hold an 652
organizational meeting no later than the thirty-first day of 653
January of each year and shall elect its officers, which shall 654
include a president, vice-president, and recording secretary. 655
After its annual organizational meeting, the board shall meet in 656
such manner and at such times as prescribed by rules adopted by 657
the board, but the board shall meet at least ten times annually in 658
regularly scheduled sessions in accordance with section 121.22 of 659
the Revised Code, not including in-service training sessions. A 660
majority of the board constitutes a quorum. The board shall adopt 661
rules for the conduct of its business and a record shall be kept 662
of board proceedings, which shall be open for public inspection. 663

~~A board member shall be removed from the board by the 664
appointing authority for neglect of duty, misconduct, malfeasance, 665
failure to attend at least one in-service training session each 666
year, a violation of section 5126.021 of the Revised Code, or upon 667
the absence of a member within one year from either four regularly 668
scheduled board meetings or from two regularly scheduled board 669
meetings if the member gave no prior notice of the member's 670
absence. This removal provision does not apply to absences from 671
special meetings or work sessions. The board shall supply the 672
board member and the member's appointing authority with written 673
notice of the charges against the member. The appointing authority 674
shall afford the member an opportunity for a hearing, in 675
accordance with procedures it adopts, and shall, upon determining 676
that the charges are accurate, remove the member and appoint 677
another person to complete the member's term. 678~~

~~A member removed from the board is ineligible for 679
reappointment for not less than one year. When a member is 680
removed, the appointing authority shall specify the time during 681~~

~~which the member is ineligible for reappointment. If the member is removed for failing to attend in-service training, the board also shall specify the training the member must complete prior to being eligible for reappointment.~~

Sec. 5126.0216. Each year, each member of a county board of mental retardation and developmental disabilities shall attend at least one in-service training session provided or approved by the department of mental retardation and developmental disabilities. These training sessions shall not be considered regularly scheduled meetings of the county board.

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

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

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

(1) Neglect of duty;

<u>(2) Misconduct;</u>	710
<u>(3) Malfeasance;</u>	711
<u>(4) Ineligibility to serve on the county board pursuant to section 5126.029 of the Revised Code;</u>	712 713
<u>(5) Failure to attend at least one in-service training session each year;</u>	714 715
<u>(6) Failure to attend within one year four regularly scheduled board meetings;</u>	716 717
<u>(7) Failure to attend within one year two regularly scheduled board meetings if the member gave no prior notice of the member's absence;</u>	718 719 720
<u>(8) Consistently poor performance on the county board, as demonstrated by documentation that the president of the county board provides to the appointing authority and the appointing authority determines is convincing evidence.</u>	721 722 723 724
<u>(B) The removal provisions of divisions (A)(6) and (7) of this section do not apply to absences from special meetings or work sessions.</u>	725 726 727
<u>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</u>	728 729 730 731 732 733 734 735 736 737 738 739

director's decision on whether to issue the waiver is final and 740
not subject to appeal. 741

The county board on which the member serves may pass a 742
resolution urging the appointing authority to request that the 743
director issue the waiver. The member whose absences from the 744
sessions or meetings are at issue may not vote on the resolution. 745
The appointing authority may request the waiver regardless of 746
whether the county board adopts the resolution. 747

Sec. 5126.0221. If there are grounds for the mandatory 748
removal of a member of a county board of mental retardation and 749
developmental disabilities under section 5126.0219 of the Revised 750
Code, the county board shall supply the board member and the 751
member's appointing authority with written notice of the grounds. 752

Sec. 5126.0222. An appointing authority shall afford a member 753
of a county board of mental retardation and developmental 754
disabilities an opportunity for a hearing on the member's proposed 755
removal in accordance with procedures the appointing authority 756
shall establish, unless the appointing authority requested that 757
the director of mental retardation and developmental disabilities 758
waive the mandatory removal under section 5126.0220 of the Revised 759
Code and the director refused to issue the waiver. The appointing 760
authority shall hold the hearing if the member requests the 761
hearing not later than thirty days after the date that the county 762
board sends the member the notice required by section 5126.0221 of 763
the Revised Code. 764

Sec. 5126.0223. If a member of a county board of mental 765
retardation and developmental disabilities requests a hearing 766
within the time required by section 5126.0222 of the Revised Code, 767
the appointing authority may not remove the member from the board 768

before the conclusion of the hearing.

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Sec. 5126.0224. A member of a county board of mental
retardation and developmental disabilities who is removed from the
county board is ineligible for reappointment to the board for not
less than one year. The appointing authority shall specify the
time during which the member is ineligible for reappointment. If
the member is removed under division (A)(5) of section 5126.0219
of the Revised Code, the county board shall specify the training
the member must complete before being eligible for reappointment.

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

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

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Each county board that employs its own superintendent shall
employ the superintendent under a contract. To enter into a
contract, the board shall adopt a resolution agreeing to the
contract. Each contract for employment or re-employment of a
superintendent shall be for a term of not less than one and not
more than five years. At the expiration of a superintendent's

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current term of employment, the superintendent ~~shall~~ may be 799
re-employed ~~for a term of one year at the same salary, plus any~~ 800
~~increments that may be authorized by the board, unless.~~ If the 801
board ~~gives~~ intends not to re-employ the superintendent, the board 802
shall give the superintendent written notification of its 803
intention ~~not to re-employ the superintendent.~~ With regard to an 804
~~initial contract, if the contract is for one year, the notice~~ 805
~~shall be provided not less than sixty days prior to the contract's~~ 806
~~expiration; if the contract is for more than one year, the notice~~ 807
~~shall be provided not less than ninety days prior to the~~ 808
~~contract's expiration.~~ With regard to contracts for re-employment, 809
the The notice shall be given not less than ninety days prior to 810
the ~~contract's~~ expiration, ~~regardless of its duration~~ the 811
superintendent's contract. 812

(B) Two or more county boards may enter into an arrangement 813
under which the superintendent of one county board acts as the 814
superintendent of another county board. To enter into such an 815
arrangement, each board shall adopt a resolution agreeing to the 816
arrangement. The resolutions shall specify the duration of the 817
arrangement and the contribution each board is to make to the 818
superintendent's compensation and reimbursement for expenses. 819

(C) If a vacancy occurs in the position of superintendent, a 820
county board may appoint a person who holds a valid 821
superintendent's certificate issued under the rules of the 822
department to work under a contract for an interim period not to 823
exceed one hundred eighty days until a permanent superintendent 824
can be employed or arranged for under division (A) or (B) of this 825
section. The director of the department may approve additional 826
periods of time for these types of interim appointments when so 827
requested by a resolution adopted by a county board, if the 828
director determines that the additional periods are warranted and 829
the services of a permanent superintendent are not available. 830

Sec. 5126.024 <u>5126.0226</u>. The superintendent of the county	831
board of mental retardation and developmental disabilities shall:	832
(A) Administer the work of the board, subject to the board's	833
rules;	834
(B) Recommend to the board the changes necessary to increase	835
the effectiveness of the programs and services offered pursuant to	836
Chapters 3323. and 5126. of the Revised Code;	837
(C) Employ persons for all positions authorized by the board,	838
approve contracts of employment for management employees that are	839
for a term of one year or less, and approve personnel actions that	840
involve employees in the classified civil service as may be	841
necessary for the work of the board;	842
(D) Approve compensation for employees within the limits set	843
by the salary schedule and budget set by the board and in	844
accordance with section 5126.26 of the Revised Code, and ensure	845
that all employees and consultants are properly reimbursed for	846
actual and necessary expenses incurred in the performance of	847
official duties;	848
(E) Provide consultation to public agencies as defined in	849
division (C) of section 102.01 of the Revised Code, including	850
other county boards of mental retardation and developmental	851
disabilities, and to individuals, agencies, or organizations	852
providing services supported by the board.	853
The superintendent may authorize the payment of board	854
obligations by the county auditor.	855
<u>Sec. 5126.0227.</u> (A) <u>As used in this section, "specialized</u>	856
<u>services" has the same meaning as in section 5126.281 of the</u>	857
<u>Revised Code.</u>	858
<u>(B) Except as provided in division (C) of section 5126.033 of</u>	859

the Revised Code, none of the following individuals may be 860
employed by a county board of mental retardation and developmental 861
disabilities: 862

(1) An employee of an agency contracting with the county 863
board; 864

(2) An immediate family member of an employee of an agency 865
contracting with the county board unless the county board adopts a 866
resolution authorizing the immediate family member's employment 867
with the county board; 868

(3) An individual with an immediate family member who serves 869
as a county commissioner of any of the counties served by the 870
county board unless the individual was an employee of the county 871
board before October 31, 1980; 872

(4) An individual who is employed by, has an ownership 873
interest in, performs or provides administrative duties for, or is 874
a member of the governing board of an entity that provides 875
specialized services, regardless of whether the entity contracts 876
with the county board to provide specialized services. 877

Sec. 5126.0228. As used in this section, "specialized 878
services" has the same meaning as in section 5126.281 of the 879
Revised Code. 880

Notwithstanding any provision of the Revised Code to the 881
contrary, including applicable provisions of sections 102.03, 882
102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a 883
county board of mental retardation and developmental disabilities 884
also may be a member of the governing board of a political 885
subdivision, including the board of education of a school 886
district, or an agency that does not provide specialized services. 887
The county board may contract with such a governing board even 888
though the governing board includes an individual who is an 889

employee of the county board. That member of the governing board 890
may not vote on any matter before the governing board concerning a 891
contract with the county board or participate in any discussion or 892
debate regarding such a contract. 893

Sec. 5126.03. As used in this section and in sections 894
5126.031 to 5126.034 of the Revised Code: 895

(A) "Direct services contract" means any legally enforceable 896
agreement with an individual, agency, or other entity that, 897
pursuant to its terms or operation, may result in a payment from a 898
county board of mental retardation and developmental disabilities 899
to an eligible person or to a member of the immediate family of an 900
eligible person for services rendered to the eligible person. 901
"Direct services contract" includes a contract for supported 902
living pursuant to sections 5126.40 to 5126.47 of the Revised 903
Code, family support services under section 5126.11 of the Revised 904
Code, and reimbursement for transportation expenses. 905

(B) "Eligible person" means a person eligible to receive 906
services from a county board or from an entity under contract with 907
a county board. 908

(C) "Former board member" means a person whose service on the 909
county board ended less than one year prior to commencement of 910
services under a direct services contract. 911

(D) "Former employee" means a person whose employment by the 912
county board ended less than one year prior to commencement of 913
services under a direct services contract. 914

~~(E) "Immediate family" has the same meaning as in section 915
5126.021 of the Revised Code.~~ 916

Sec. 5126.031. (A) Except as provided in division (B) of this 917
section, annually at the ~~organization~~ organizational meeting 918

required by section ~~5126.022~~ 5126.0215 of the Revised Code, the 919
chairperson of the county board of mental retardation and 920
developmental disabilities shall appoint three members of the 921
board to an ethics council to review all direct services 922
contracts. The board's chairperson may be one of those appointed. 923
The superintendent of the board shall be a nonvoting member of the 924
council. The chairperson shall not appoint a person to the council 925
if the person, or any member of the person's immediate family, 926
will have any interest in any direct services contract under 927
review by the council while the person serves on the council or 928
during the twelve-month period after completing service on the 929
council. If a council member or a member of the council member's 930
immediate family has or will have such an interest, the 931
chairperson shall replace the member by appointing another board 932
member to the council. 933

The council shall meet regularly as directed by the board to 934
perform its duties. Minutes shall be kept of the actions of the 935
council. The minutes shall be part of the public record of the 936
county board. 937

Any action taken by the council on direct services contracts 938
under its review shall be in public. The council shall afford an 939
affected party the opportunity to meet with the council on matters 940
related to a direct services contract or any action taken by the 941
council. 942

(B) If a county board establishes a policy specifying that 943
the board is not willing to enter into direct services contracts 944
with any person who is a board member or former board member or a 945
member of the immediate family of a board member or former board 946
member, the board may assume the responsibilities and perform the 947
duties of an ethics council specified in section 5126.032 of the 948
Revised Code. The policy shall be established by resolution 949
adopted by a majority of the members of the board in attendance at 950

a meeting at which there is a quorum and shall be in effect for 951
one year after its adoption, at which time the board shall, by 952
resolution adopted in the same manner as the initial resolution, 953
either renew the policy or establish a new one. 954

Sec. 5126.033. (A) A county board of mental retardation and 955
developmental disabilities shall not enter into a direct services 956
contract unless the contract is limited either to the actual 957
amount of the expenses or to a reasonable and allowable amount 958
projected by the board. 959

(B) A county board shall not enter into a direct services 960
contract that would result in payment to a board member, former 961
board member, employee, former employee, or member of the 962
immediate family of a board member, former board member, employee, 963
or former employee if the person who would receive services under 964
the contract stands to receive any preferential treatment or any 965
unfair advantage over other eligible persons. 966

(C) A county board shall not enter into a direct services 967
contract for services provided in accordance with section 5126.11 968
or sections 5126.40 to 5126.46 of the Revised Code under which an 969
individual, agency, or other entity will employ ~~a management~~ 970
~~employee, professional employee, or service employee, as defined~~ 971
~~in section 5126.20 of the Revised Code, an individual~~ who is also 972
an employee of that county board unless all of the following 973
conditions are met: 974

(1) The employee is not in a capacity to influence the award 975
of the contract. 976

(2) The employee has not attempted in any manner to secure 977
the contract on behalf of the individual, agency, or other entity. 978

(3) The employee is not in management level two or three 979
according to rules adopted by the director of mental retardation 980

and developmental disabilities. 981

(4) The employee is not employed by the board during the 982
period when the contract is developed as an administrator or 983
supervisor responsible for approving or supervising services to be 984
provided under the contract and agrees not to take such a position 985
while the contract is in effect, regardless of whether the 986
position is related to the services provided under the contract. 987

(5) The employee has not taken any actions that create the 988
need for the services to be provided under the contract. 989

(6) The individual, agency, or other entity seeks the 990
services of the employee because of the employee's expertise and 991
familiarity with the care and condition of one or more eligible 992
persons and other individuals with such expertise and familiarity 993
are unavailable, or an eligible person has requested to have the 994
services provided by that employee. 995

The superintendent of the county board shall notify the 996
employee and the individual, agency, or other entity that seeks 997
the employee's services of the ethics council's determination 998
under section 5126.032 of the Revised Code regarding the contract. 999
The council's determination shall be binding on all parties. 1000

The employee who is the subject of the contract shall inform 1001
the superintendent of the county board of any employment the 1002
employee has outside the county board that is with any individual, 1003
agency, or other entity that has a contract with the county board. 1004

Sec. 5126.034. (A) If the requirements of section 5126.033 of 1005
the Revised Code have been met for a particular direct services 1006
contract, a former member of a county board of mental retardation 1007
and developmental disabilities, ~~former board member~~, a board 1008
employee, or former employee, or an immediate family member of a 1009
county board member, former board member, employee, or former 1010

employee, is not in violation of the restrictions in Chapter 102. 1011
and sections 2921.42 and ~~5126.021~~ 5126.029 of the Revised Code 1012
with regard to that contract. 1013

(B) Nothing in section 5126.033 of the Revised Code shall be 1014
construed to allow a member or employee of a county board to 1015
authorize, or use the authority of the member's or employee's 1016
office or employment to secure authorization of, a contract that 1017
could result in receipt by the board member or employee or a 1018
member of the immediate family of the board member or employee of 1019
payment for expenses incurred on behalf of an immediate family 1020
member who is an eligible person. 1021

Sec. 5126.037. No county board of mental retardation and 1022
developmental disabilities shall contract with an agency whose 1023
board includes a county commissioner of any of the counties served 1024
by the county board. 1025

Sec. 5126.038. (A)(1) As used in this section, "professional 1026
services" means all of the following services provided on behalf 1027
of a county board of mental retardation and developmental 1028
disabilities, members or employees of a county board, or both: 1029

(a) Lobbying and other governmental affairs services; 1030

(b) Legal services other than the legal services provided by 1031
a county prosecutor; 1032

(c) Public relation services; 1033

(d) Consulting services; 1034

(e) Personnel training services. 1035

(2) "Professional services" does not mean services provided 1036
pursuant to a service contract as defined in section 5126.035 of 1037
the Revised Code. 1038

(B) Each county board of mental retardation and developmental 1039

disabilities shall submit to the board of county commissioners of 1040
each county that is served by the county board, in accordance with 1041
the normal budget process and as part of its budget request, an 1042
itemized list of all expenditures the county board expects to make 1043
in each year covered by the budget for any of the following: 1044

(1) Any membership dues of the members or employees of the 1045
county board, in any organization, association, or other entity; 1046

(2) Any professional services of the county board, its 1047
members or employees, or both; 1048

(3) Any training of the members or employees of the county 1049
board. 1050

Sec. 5126.056. (A) The department of mental retardation and 1051
developmental disabilities shall take action under division (B) of 1052
this section against a county board of mental retardation and 1053
developmental disabilities if any of the following are the case: 1054

(1) The county board fails to submit to the department all 1055
the components of its three-year plan required by section 5126.054 1056
of the Revised Code within the time required by division (B) of 1057
that section. 1058

(2) The department disapproves the county board's three-year 1059
plan under section 5123.046 of the Revised Code. 1060

(3) The county board fails, as required by division (C) of 1061
section 5126.054 of the Revised Code, to update and renew its 1062
three-year plan in accordance with a schedule the department 1063
develops under that section. 1064

(4) The county board fails to implement its initial or 1065
renewed three-year plan approved by the department. 1066

(5) The county board fails to correct a deficiency within the 1067
time required by division (G) of section 5126.055 of the Revised 1068

Code to the satisfaction of the department. 1069

(6) The county board fails to submit an acceptable plan of 1070
correction to the department within the time required by division 1071
(G)(2) of section 5126.055 of the Revised Code. 1072

(B) If required by division (A) of this section to take 1073
action against a county board, the department shall issue an order 1074
terminating the county board's medicaid local administrative 1075
authority over all or part of home and community-based services, 1076
medicaid case management services, habilitation center services, 1077
all or part of two of those services, or all or part of all three 1078
of those services. The department shall provide a copy of the 1079
order to the board of county commissioners, senior probate judge, 1080
county auditor, and president and superintendent of the county 1081
board. The department shall specify in the order the medicaid 1082
local administrative authority that the department is terminating, 1083
the reason for the termination, and the county board's option and 1084
responsibilities under this division. 1085

A county board whose medicaid local administrative authority 1086
is terminated may, not later than thirty days after the department 1087
issues the termination order, recommend to the department that 1088
another county board that has not had any of its medicaid local 1089
administrative authority terminated or another entity the 1090
department approves administer the services for which the county 1091
board's medicaid local administrative authority is terminated. The 1092
department may contract with the other county board or entity to 1093
administer the services. If the department enters into such a 1094
contract, the county board shall adopt a resolution giving the 1095
other county board or entity full medicaid local administrative 1096
authority over the services that the other county board or entity 1097
is to administer. The other county board or entity shall be known 1098
as the contracting authority. 1099

If the department rejects the county board's recommendation 1100
regarding a contracting authority, the county board may appeal the 1101
rejection under section 5123.043 of the Revised Code. 1102

If the county board does not submit a recommendation to the 1103
department regarding a contracting authority within the required 1104
time or the department rejects the county board's recommendation 1105
and the rejection is upheld pursuant to an appeal, if any, under 1106
section 5123.043 of the Revised Code, the department shall appoint 1107
an administrative receiver to administer the services for which 1108
the county board's medicaid local administrative authority is 1109
terminated. To the extent necessary for the department to appoint 1110
an administrative receiver, the department may utilize employees 1111
of the department, management personnel from another county board, 1112
or other individuals who are not employed by or affiliated with in 1113
any manner a person that provides home and community-based 1114
services, medicaid case management services, or habilitation 1115
center services pursuant to a contract with any county board. The 1116
administrative receiver shall assume full administrative 1117
responsibility for the county board's services for which the 1118
county board's medicaid local administrative authority is 1119
terminated. 1120

The contracting authority or administrative receiver shall 1121
develop and submit to the department a plan of correction to 1122
remediate the problems that caused the department to issue the 1123
termination order. If, after reviewing the plan, the department 1124
approves it, the contracting authority or administrative receiver 1125
shall implement the plan. 1126

The county board shall transfer control of state and federal 1127
funds it is otherwise eligible to receive for the services for 1128
which the county board's medicaid local administrative authority 1129
is terminated and funds the county board may use under division 1130
(B) of section 5126.057 of the Revised Code to pay the nonfederal 1131

share of the services that the county board is required by 1132
division (A) of that section to pay. The county board shall 1133
transfer control of the funds to the contracting authority or 1134
administrative receiver administering the services. The amount the 1135
county board shall transfer shall be the amount necessary for the 1136
contracting authority or administrative receiver to fulfill its 1137
duties in administering the services, including its duties to pay 1138
its personnel for time worked, travel, and related matters. If the 1139
county board fails to make the transfer, the department may 1140
withhold the state and federal funds from the county board and 1141
bring a mandamus action against the county board in the court of 1142
common pleas of the county served by the county board or in the 1143
Franklin county court of common pleas. The mandamus action may not 1144
require that the county board transfer any funds other than the 1145
funds the county board is required by division (B) of this section 1146
to transfer. 1147

The contracting authority or administrative receiver has the 1148
right to authorize the payment of bills in the same manner that 1149
the county board may authorize payment of bills under this chapter 1150
and section 319.16 of the Revised Code. 1151

Sec. 5126.058. (A) Each county board of mental retardation 1152
and developmental disabilities shall prepare a memorandum of 1153
understanding that is developed by all of the following and that 1154
is signed by the persons identified in divisions (A)~~(3)~~(2) to 1155
~~(8)~~(7) of this section: 1156

(1) ~~If there is only one probate judge in the county, the~~ The 1157
senior probate judge of the county or the senior probate judge's 1158
representative; 1159

(2) ~~If there is more than one probate judge in the county, a~~ 1160
~~probate judge or the probate judge's representative selected by~~ 1161
~~the probate judges or, if they are unable to do so for any reason,~~ 1162

the probate judge who is senior in point of service or the senior	1163
probate judge's representative;	1164
(3) The county peace officer;	1165
(4) <u>(3)</u> All chief municipal peace officers within the county;	1166
(5) <u>(4)</u> Other law enforcement officers handling abuse,	1167
neglect, and exploitation of mentally retarded and developmentally	1168
disabled persons in the county;	1169
(6) <u>(5)</u> The prosecuting attorney of the county;	1170
(7) <u>(6)</u> The public children services agency;	1171
(8) <u>(7)</u> The coroner of the county.	1172
(B) A memorandum of understanding shall set forth the normal	1173
operating procedure to be employed by all concerned officials in	1174
the execution of their respective responsibilities under this	1175
section and sections 313.12, 2151.421, 2903.16, 5126.31, and	1176
5126.33 of the Revised Code and shall have as its primary goal the	1177
elimination of all unnecessary interviews of persons who are the	1178
subject of reports made pursuant to this section. A failure to	1179
follow the procedure set forth in the memorandum by the concerned	1180
officials is not grounds for, and shall not result in, the	1181
dismissal of any charge or complaint arising from any reported	1182
case of abuse, neglect, or exploitation or the suppression of any	1183
evidence obtained as a result of any reported abuse, neglect, or	1184
exploitation and does not give any rights or grounds for appeal or	1185
post-conviction relief to any person.	1186
(C) A memorandum of understanding shall include, but is not	1187
limited to, all of the following:	1188
(1) The roles and responsibilities for handling emergency and	1189
nonemergency cases of abuse, neglect, or exploitation;	1190
(2) The roles and responsibilities for handling and	1191
coordinating investigations of reported cases of abuse, neglect,	1192

or exploitation and methods to be used in interviewing the person	1193
who is the subject of the report and who allegedly was abused,	1194
neglected, or exploited;	1195
(3) The roles and responsibilities for addressing the	1196
categories of persons who may interview the person who is the	1197
subject of the report and who allegedly was abused, neglected, or	1198
exploited;	1199
(4) The roles and responsibilities for providing victim	1200
services to mentally retarded and developmentally disabled persons	1201
pursuant to Chapter 2930. of the Revised Code;	1202
(5) The roles and responsibilities for the filing of criminal	1203
charges against persons alleged to have abused, neglected, or	1204
exploited mentally retarded or developmentally disabled persons.	1205
(D) A memorandum of understanding may be signed by victim	1206
advocates, municipal court judges, municipal prosecutors, and any	1207
other person whose participation furthers the goals of a	1208
memorandum of understanding, as set forth in this section.	1209
Sec. 5126.081. (A) In addition to the rules adopted under	1210
division (A)(2) of section 5126.08 of the Revised Code	1211
establishing standards for the administration, provision,	1212
arrangement, and operation of programs and services by county	1213
boards of mental retardation and developmental disabilities, the	1214
department of mental retardation and developmental disabilities	1215
shall establish a system of accreditation for county boards of	1216
mental retardation and developmental disabilities to ensure that	1217
the boards are in compliance with federal and state statutes and	1218
rules. The department shall adopt rules in accordance with Chapter	1219
119. of the Revised Code governing the system of accreditation.	1220
The rules shall include appropriate timelines for compliance when	1221
a board is found to be not in compliance and appropriate actions	1222

to be taken by boards in complying with the accreditation requirements. 1223
1224

(B) Prior to accrediting a board, the department shall 1225
conduct a comprehensive, on-site review of the board. During the 1226
review, the department shall document the board's compliance with 1227
the department's accreditation requirements. After completing the 1228
review, the department shall conduct an exit conference with the 1229
president of the board, the superintendent of the board, and any 1230
other officials the board asks to have present. The department 1231
shall discuss its findings from the review with the board's 1232
representatives and provide a written report of its findings not 1233
later than thirty days following the exit conference. If the 1234
department finds that the board is in compliance with the 1235
requirements for accreditation, the department shall issue 1236
evidence of accreditation to the board. 1237

Accreditation may be granted for periods of up to five years 1238
and may be renewed. Not less than once prior to the date a board's 1239
accreditation is scheduled to expire, the department shall conduct 1240
a comprehensive, on-site review of the board. 1241

Each board shall conduct an annual audit of itself to 1242
evaluate its compliance with the requirements for accreditation. 1243
The department may conduct an interim review of any new program or 1244
service initiated by a board after its last comprehensive review. 1245
The department may conduct other reviews and investigations as 1246
necessary to enforce this section. 1247

(C) If the department determines through its review of a 1248
board that the board is not in compliance with the requirements 1249
for accreditation, the department shall, except as provided in 1250
division (F) of this section, grant the board an opportunity to 1251
correct the matters in which it is not in compliance. The 1252
department shall grant the board an appropriate length of time to 1253
comply with the requirements prior to taking any action to deny 1254

1255 accreditation to the board. To avoid denial of accreditation, the
1256 board superintendent shall prepare a plan of correction to
1257 remediate the matters specified in the department's written report
1258 as not being in compliance with the requirements for
1259 accreditation. The superintendent shall submit the plan to the
1260 board for review, and the board shall review the plan. If the
1261 board believes that the plan is sufficient to correct the matters,
1262 the board shall approve the plan by resolution and submit the plan
1263 to the department for its review. The department shall review the
1264 plan of correction. If the department approves the plan, the board
1265 shall commence action to implement the plan. The department shall,
1266 as necessary, conduct follow-up reviews of the board to determine
1267 whether it has met the requirements for accreditation. If the plan
1268 of correction submitted by a board is disapproved, the department
1269 shall inform the board of the reasons for disapproval and may
1270 grant the board an opportunity to submit a revised plan of
1271 correction.

1272 A board may request technical assistance from the department,
1273 other boards, or professional organizations in preparing plans of
1274 correction and in implementing plans of correction.

1275 (D) If, after being given the opportunity to implement a plan
1276 of correction, a board continues to fail to meet the requirements
1277 for accreditation, the department shall issue an order denying
1278 accreditation to the board. The department may deny accreditation
1279 to the board for all or part of the programs or services offered
1280 by the board.

1281 The department shall simultaneously notify all of the
1282 following officials in the county: the members of the board of
1283 county commissioners, the senior probate judge, the county
1284 auditor, and the president and superintendent of the county board
1285 of mental retardation and developmental disabilities. The notice
1286 shall identify the programs and services that have been denied

accreditation, the requirements for accreditation with which the 1287
board is not in compliance, and the responsibilities of the county 1288
officials to contract under division (E)(1) of this section to 1289
have the board's programs and services administered by another 1290
party or become subject to administrative receivership under 1291
division (E)(2) of this section. 1292

(E)(1) When a board is denied accreditation, the department 1293
shall first give the board the option of contracting to have the 1294
board's programs and services that were denied accreditation 1295
administered by an accredited county board of mental retardation 1296
and developmental disabilities or another qualified entity subject 1297
to the approval of the department. The board may contract with 1298
more than one board that has been accredited. When a board enters 1299
into a contract, the board shall, by resolution, give the 1300
contractor full administrative authority over the programs and 1301
services that the contractor will administer. 1302

(2) If a board fails to exercise its option of entering into 1303
a contract under division (E)(1) of this section sooner than 1304
thirty days after the department denies accreditation, the 1305
department shall appoint an administrative receiver of the board's 1306
programs and services that were denied accreditation. The 1307
department may appoint employees of the department, management 1308
personnel from county boards of mental retardation and 1309
developmental disabilities, or individuals from other entities as 1310
necessary to meet its needs for appointing an administrative 1311
receiver, except that individuals from other entities may be 1312
appointed only when qualified department employees or board 1313
management personnel are unavailable. The department may not 1314
appoint an individual who is employed by or affiliated with an 1315
entity that is under contract with the board. The administrative 1316
receiver shall assume full administrative responsibility for the 1317
board's programs and services that were denied accreditation. 1318

(3) The board or entity that contracts with a board under 1319
division (E)(1) of this section, or the administrative receiver 1320
appointed under division (E)(2) of this section, shall develop and 1321
implement a plan of correction to remediate the matters that 1322
caused the department to deny accreditation. The contractor or 1323
administrative receiver shall submit the plan to the department, 1324
and the department shall review the plan. If the plan is approved 1325
by the department, the contractor or administrative receiver shall 1326
commence action to implement the plan. The contractor or 1327
administrative receiver shall report to the department any 1328
findings it can make pertaining to issues or circumstances that 1329
are beyond the control of the board and result in the unlikelihood 1330
that compliance with the requirements for accreditation can be 1331
achieved unless the issues or circumstances are remediated. 1332

(4) For purposes of divisions (E)(1) and (2) of this section, 1333
the department shall require the board that has been denied 1334
accreditation to transfer control of state and federal funds it is 1335
eligible to receive for the board's programs and services that 1336
have been denied accreditation in an amount necessary for the 1337
contractor or administrative receiver to fulfill its duties in 1338
administering the programs and services for the board. The 1339
transfer of control of funds does not cause any programs and 1340
services of the board that are accredited to lose their 1341
accreditation. If the board refuses to transfer control of funds, 1342
the department may withhold state and federal funds from the board 1343
in an amount necessary for the contractor or administrative 1344
receiver to fulfill its duties. The amount transferred or withheld 1345
from a board shall include reimbursements for the personnel of the 1346
contractor or administrative receiver, including amounts for time 1347
worked, travel, and related expenses. 1348

A contractor or administrative receiver that has assumed the 1349
administration of a board's programs and services has the right to 1350

authorize the payment of bills in the same manner that a board may 1351
authorize payment of bills under this chapter and section 319.16 1352
of the Revised Code. 1353

(F) When the department's review of a board reveals serious 1354
health and safety issues within the programs and services offered 1355
by the board, the department shall order the board to correct the 1356
violations immediately or appoint an administrative receiver. 1357

(G) At any time a board can demonstrate that it is capable of 1358
assuming its duties in compliance with the department's 1359
requirements for accreditation, the department shall reverse its 1360
order denying accreditation and issue evidence of accreditation to 1361
the board. 1362

A board may appeal the department's denial of accreditation 1363
or refusal to reverse a denial of accreditation only by filing a 1364
complaint under section 5123.043 of the Revised Code. If in its 1365
appeal the board can demonstrate that it is capable of assuming 1366
its duties in compliance with the department's requirements for 1367
accreditation, the department shall reverse its order denying 1368
accreditation and shall issue evidence of accreditation to the 1369
board. 1370

(H) All notices issued to a board by the department under 1371
this section shall be delivered to the board's president and 1372
superintendent. 1373

(I) A board's president may designate another member of the 1374
board as the individual to be responsible for fulfilling all or 1375
part of the president's responsibilities established under this 1376
section. 1377

Sec. 5126.30. As used in sections 5126.30 to 5126.34 of the 1378
Revised Code: 1379

(A) "Adult" means a person eighteen years of age or older 1380

with mental retardation or a developmental disability. 1381

(B) "Caretaker" means a person who is responsible for the 1382
care of an adult by order of a court, including an order of 1383
guardianship, or who assumes the responsibility for the care of an 1384
adult as a volunteer, as a family member, by contract, or by the 1385
acceptance of payment for care. 1386

(C) "Abuse" has the same meaning as in section 5123.50 of the 1387
Revised Code, except that it includes a misappropriation, as 1388
defined in that section. 1389

(D) "Neglect" has the same meaning as in section 5123.50 of 1390
the Revised Code. 1391

(E) "Exploitation" means the unlawful or improper act of a 1392
caretaker using an adult or an adult's resources for monetary or 1393
personal benefit, profit, or gain, including misappropriation, as 1394
defined in section 5123.50 of the Revised Code, of an adult's 1395
resources. 1396

(F) "Working day" means Monday, Tuesday, Wednesday, Thursday, 1397
or Friday, except when that day is a holiday as defined in section 1398
1.14 of the Revised Code. 1399

(G) "Incapacitated" means lacking understanding or capacity, 1400
with or without the assistance of a caretaker, to make and carry 1401
out decisions regarding food, clothing, shelter, health care, or 1402
other necessities, but does not include mere refusal to consent to 1403
the provision of services. 1404

(H) "Emergency protective services" means protective services 1405
furnished to a person with mental retardation or a developmental 1406
disability to prevent immediate physical harm. 1407

(I) "Protective services" means services provided by the 1408
county board of mental retardation and developmental disabilities 1409
to an adult with mental retardation or a developmental disability 1410

for the prevention, correction, or discontinuance of an act of as 1411
well as conditions resulting from abuse, neglect, or exploitation. 1412

(J) "Protective service plan" means an individualized plan 1413
developed by the county board of mental retardation and 1414
developmental disabilities to prevent the further abuse, neglect, 1415
or exploitation of an adult with mental retardation or a 1416
developmental disability. 1417

(K) "Substantial risk" has the same meaning as in section 1418
2901.01 of the Revised Code. 1419

(L) "Party" means all of the following: 1420

(1) An adult who is the subject of a probate proceeding under 1421
sections 5126.30 to 5126.33 of the Revised Code; 1422

(2) A caretaker, unless otherwise ordered by the probate 1423
court; 1424

(3) Any other person designated as a party by the probate 1425
court including but not limited to, the adult's spouse, custodian, 1426
guardian, or parent. 1427

(M) "~~Board~~" ~~has the same meaning as in section 5126.02 of the~~ 1428
~~Revised Code~~ means a county board of mental retardation and 1429
developmental disabilities. 1430

Sec. 5705.191. The taxing authority of any subdivision, other 1431
than the board of education of a school district or the taxing 1432
authority of a county school financing district, by a vote of 1433
two-thirds of all its members, may declare by resolution that the 1434
amount of taxes that may be raised within the ten-mill limitation 1435
by levies on the current tax duplicate will be insufficient to 1436
provide an adequate amount for the necessary requirements of the 1437
subdivision, and that it is necessary to levy a tax in excess of 1438
such limitation for any of the purposes in section 5705.19 of the 1439
Revised Code, or to supplement the general fund for the purpose of 1440

making appropriations for one or more of the following purposes: 1441
public assistance, human or social services, relief, welfare, 1442
hospitalization, health, and support of general hospitals, and 1443
that the question of such additional tax levy shall be submitted 1444
to the electors of the subdivision at a general, primary, or 1445
special election to be held at a time therein specified. Such 1446
resolution shall not include a levy on the current tax list and 1447
duplicate unless such election is to be held at or prior to the 1448
general election day of the current tax year. Such resolution 1449
shall conform to the requirements of section 5705.19 of the 1450
Revised Code, except that a levy to supplement the general fund 1451
for the purposes of public assistance, human or social services, 1452
relief, welfare, hospitalization, health, or the support of 1453
general or tuberculosis hospitals may not be for a longer period 1454
than ten years. All other levies under this section may not be for 1455
a longer period than five years unless a longer period is 1456
permitted by section 5705.19 of the Revised Code, and the 1457
resolution shall specify the date of holding such election, which 1458
shall not be earlier than seventy-five days after the adoption and 1459
certification of such resolution. The resolution shall go into 1460
immediate effect upon its passage and no publication of the same 1461
is necessary other than that provided for in the notice of 1462
election. A copy of such resolution, immediately after its 1463
passage, shall be certified to the board of elections of the 1464
proper county or counties in the manner provided by section 1465
5705.25 of the Revised Code, and such section shall govern the 1466
arrangements for the submission of such question and other matters 1467
with respect to such election, to which section 5705.25 of the 1468
Revised Code refers, excepting that such election shall be held on 1469
the date specified in the resolution, which shall be consistent 1470
with the requirements of section 3501.01 of the Revised Code, 1471
provided that only one special election for the submission of such 1472
question may be held in any one calendar year and provided that a 1473

special election may be held upon the same day a primary election 1474
is held. Publication of notice of such election shall be made in 1475
one or more newspapers of general circulation in the county once a 1476
week for four consecutive weeks. 1477

If a majority of the electors voting on the question vote in 1478
favor thereof, the taxing authority of the subdivision may make 1479
the necessary levy within such subdivision at the additional rate 1480
or at any lesser rate outside the ten-mill limitation on the tax 1481
list and duplicate for the purpose stated in the resolution. Such 1482
tax levy shall be included in the next annual tax budget that is 1483
certified to the county budget commission. 1484

After the approval of such a levy by the electors, the taxing 1485
authority of the subdivision may anticipate a fraction of the 1486
proceeds of such levy and issue anticipation notes. In the case of 1487
a continuing levy that is not levied for the purpose of current 1488
expenses, notes may be issued at any time after approval of the 1489
levy in an amount not more than fifty per cent of the total 1490
estimated proceeds of the levy for the succeeding ten years, less 1491
an amount equal to the fraction of the proceeds of the levy 1492
previously anticipated by the issuance of anticipation notes. In 1493
the case of a levy for a fixed period that is not for the purpose 1494
of current expenses, notes may be issued at any time after 1495
approval of the levy in an amount not more than fifty per cent of 1496
the total estimated proceeds of the levy throughout the remaining 1497
life of the levy, less an amount equal to the fraction of the 1498
proceeds of the levy previously anticipated by the issuance of 1499
anticipation notes. In the case of a levy for current expenses, 1500
notes may be issued after the approval of the levy by the electors 1501
and prior to the time when the first tax collection from the levy 1502
can be made. Such notes may be issued in an amount not more than 1503
fifty per cent of the total estimated proceeds of the levy 1504
throughout the term of the levy in the case of a levy for a fixed 1505

period, or fifty per cent of the total estimated proceeds for the 1506
first ten years of the levy in the case of a continuing levy. 1507

No anticipation notes that increase the net indebtedness of a 1508
county may be issued without the prior consent of the board of 1509
county commissioners of that county. The notes shall be issued as 1510
provided in section 133.24 of the Revised Code, shall have 1511
principal payments during each year after the year of their 1512
issuance over a period not exceeding the life of the levy 1513
anticipated, and may have a principal payment in the year of their 1514
issuance. 1515

"Taxing authority" and "subdivision" have the same meanings 1516
as in section 5705.01 of the Revised Code. 1517

"Human or social services" includes a county's contributions 1518
to a multi-county board of mental retardation and developmental 1519
disabilities of which the county is a member. 1520

This section is supplemental to and not in derogation of 1521
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 1522

Sec. 5705.222. (A) At any time the board of county 1523
commissioners of any county by a majority vote of the full 1524
membership may declare by resolution and certify to the board of 1525
elections of the county that the amount of taxes which may be 1526
raised within the ten-mill limitation by levies on the current tax 1527
duplicate will be insufficient to provide the necessary 1528
requirements of the single county board of mental retardation and 1529
developmental disabilities established pursuant to Chapter 5126. 1530
of the Revised Code, or the county's contribution to a 1531
multi-county board created under that chapter of which the county 1532
is a member, and that it is necessary to levy a tax in excess of 1533
such limitation for the operation of programs and services by 1534
county boards of mental retardation and developmental disabilities 1535

and for the acquisition, construction, renovation, financing, 1536
maintenance, and operation of mental retardation and developmental 1537
disabilities facilities. 1538

Such resolution shall conform to section 5705.19 of the 1539
Revised Code, except that the increased rate may be in effect for 1540
any number of years not exceeding ten or for a continuing period 1541
of time. 1542

The resolution shall be certified and submitted in the manner 1543
provided in section 5705.25 of the Revised Code, except that it 1544
may be placed on the ballot in any election, and shall be 1545
certified to the board of elections not less than seventy-five 1546
days before the election at which it will be voted upon. 1547

If the majority of the electors voting on a levy for the 1548
support of the programs and services of the county board of mental 1549
retardation and developmental disabilities vote in favor of the 1550
levy, the board of county commissioners may levy a tax within the 1551
county at the additional rate outside the ten-mill limitation 1552
during the specified or continuing period, for the purpose stated 1553
in the resolution. The county board of mental retardation and 1554
developmental disabilities, within its budget and with the 1555
approval of the board of county commissioners through annual 1556
appropriations, shall use the proceeds of a levy approved under 1557
this section solely for the purposes authorized by this section. 1558

(B) When electors have approved a tax levy under this 1559
section, the county commissioners may anticipate a fraction of the 1560
proceeds of the levy and issue anticipation notes in accordance 1561
with section 5705.191 or 5705.193 of the Revised Code. 1562

(C) The county auditor, upon receipt of a resolution from the 1563
county board of mental retardation and developmental disabilities, 1564
shall establish a capital improvements account or a reserve 1565
balance account, or both, as specified in the resolution. The 1566

capital improvements account shall be a contingency account for 1567
the necessary acquisition, replacement, renovation, or 1568
construction of facilities and movable and fixed equipment. Upon 1569
the request of the county board of mental retardation and 1570
developmental disabilities, moneys not needed to pay for current 1571
expenses may be appropriated to this account, in amounts such that 1572
this account does not exceed twenty-five per cent of the 1573
replacement value of all capital facilities and equipment 1574
currently used by the county board of mental retardation and 1575
developmental disabilities for mental retardation and 1576
developmental disabilities programs and services. Other moneys 1577
available for current capital expenses from federal, state, or 1578
local sources may also be appropriated to this account. 1579

The reserve balance account shall contain those moneys that 1580
are not needed to pay for current operating expenses and not 1581
deposited in the capital improvements account but that will be 1582
needed to pay for operating expenses in the future. Upon the 1583
request of a county board of mental retardation and developmental 1584
disabilities, the board of county commissioners may appropriate 1585
moneys to the reserve balance account. 1586

Section 2. That existing sections 5126.01, 5126.02, 5126.021, 1587
5126.022, 5126.023, 5126.024, 5126.03, 5126.031, 5126.033, 1588
5126.034, 5126.056, 5126.058, 5126.081, 5126.30, 5705.191, and 1589
5705.222 of the Revised Code are hereby repealed. 1590

Section 3. (A) As used in this section, "immediate family" 1591
has the same meaning as in section 5126.01 of the Revised Code. 1592

Not later than thirty days after the effective date of this 1593
section, each individual who serves as a member of a county board 1594
of mental retardation and developmental disabilities on the 1595
effective date of this section shall provide to the superintendent 1596
of the county board a written declaration specifying both of the 1597

following:	1598
(1) That no circumstance described in section 5126.029 of the Revised Code exists that bars the individual from serving on the county board;	1599 1600 1601
(2) Whether the individual or an immediate family member of the individual has an ownership interest in or is under contract with an agency contracting with the county board, and, if such an ownership interest or contract exists, the identity of the agency and the nature of the relationship to that agency.	1602 1603 1604 1605 1606
(B) Each declaration provided to a county board superintendent under this section is a public record for the purpose of section 149.43 of the Revised Code.	1607 1608 1609