

## TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

### Policy

### Section 4.16

#### ETHICS COUNCIL FOR DIRECT SERVICE CONTRACTS

The Trumbull County Board of Developmental Disabilities supports the belief that membership of a person on the Board, or employment by the Board does not affect the eligibility of any member of his/her family for services provided by the Board or any entity under contract with the Board. Therefore, the Trumbull County Board of Developmental Disabilities creates by this policy, an Ethics Council to review all direct services contracts affecting members/former members and employees and former employees to ensure non-preferential treatment in the awarding of such contracts. The council shall review these contracts prior to approval by the Board for financial and eligibility fairness, and recommend approval or disapproval to the full Board.

Except as otherwise provided within this policy for replacing council members, annually at the Organizational Meeting, the President of the Board shall appoint three members of the Board to an Ethics Council. The President may be one of those appointed. The Superintendent shall be a non-voting member of the council.

The President shall not appoint a Board member to the council if the member, or any member of his family, will have any interest in any direct services contract under review while the member serves on the council, or will during the twelve months after completion of his council service. If a member of the council or a member of his family has or will have such an interest, the President of the County Board shall replace the member by appointing another Board member to the council.

It shall be the responsibility of the Ethics Council to:

1. Review direct services contracts covered by this policy and approve/disapprove each contract in accordance with standards that follow this section of policy, and,
2. Develop, in consultation with the Board's legal advisor, and recommend to the Board ethical standards, contract audit procedures, and a grievance procedure with respect to the award and reconciliation of these direct service contracts.

#### **Standards for Council:**

The council shall review appropriate direct services contract and determine:

1. Whether the amount to be paid under the contract is limited either to the actual amount of the expenses or to a reasonable and allowable amount projected by the Board. If the council finds that the payable amount is not so acceptable, the council shall recommend to the Board not to enter into the contract or suggest specific revisions that would then make the contract acceptable.
2. If the direct services contract would result in payment to a board member, former board member, employee, or former employee, the council shall determine whether the eligible person who would receive services under the contract stands to receive any preferential treatment or any unfair advantage over other

eligible persons. The council shall recommend to the Board to not enter into a contract that would result in such preferential treatment or unfair advantage.

The Superintendent shall ensure that the council receives all information necessary to make its determination.

The council shall certify to the Board its recommendation with regard to each contract.

The Board shall by resolution enter into each direct services contract that the council recommends or recommends with specific revisions.

The Board shall not enter into any contract that is not recommended by the council or enter into any contract to which revisions are suggested if the contract does not include the specific revisions.

The Board may request an opinion of its legal counsel to review any direct services contract. The Board shall only then enter into those contracts determined by legal counsel to be in compliance with state law.

The council shall meet monthly or as needed prior to Board meetings to perform its function, and meet in public. Minutes shall be kept of the actions of the council, which shall be part of the public record of the County Board.

Any action taken by the council on direct services contracts under its review shall also afford an affected party the opportunity to meet with the council.

The Superintendent, or his/her designee, shall provide council a copy of each proposed direct service contracts at a reasonable time before the contract would take effect if entered into or renewed, and if resources are available.

The Trumbull County Board of Developmental Disabilities will be entering into contracts with several providers for direct services. These contracts will require ongoing revisions of payments made for each eligible person due to the provisions inherent in each contract. Since the Ethics Council and board will meet regularly and must make those decisions in a timely manner in order to ensure adequate care, they may, within their power, delegate this function.

The Superintendent shall be empowered to make decisions and bind the Board with regards to negotiating and setting the rate of compensation for payments to individuals made within the contract and determining amounts and usage of emergency allowance. The Board must approve the original contract but the Superintendent shall have the power to make changes or additions within the contract on an ongoing basis. All such changes or additions will be reviewed by the Ethics Council at the next scheduled meeting.

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