

County of Summit Developmental Disabilities Board

MINUTES

Wednesday, March 17, 2010
5:00 p.m.

The **combined work session and regular monthly meeting** of the County of Summit Developmental Disabilities Board was held on Wednesday, March 17, 2010 at the Summit DD administrative offices located at 89 East Howe Road, Tallmadge, Ohio 44278. The **work session** convened at 5:04 p.m.

BOARD MEMBERS PRESENT

- William Ginter, President
- Joseph Siegfert, Vice President
- Cynthia Walker, Secretary
- Jacqueline Cooper
- Olivia Demas
- Randy Briggs
- Thomas Quade

ALSO PRESENT

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| <ul style="list-style-type: none"> Thomas L. Armstrong, Superintendent Lisa Kamlowky, Assist. Superintendent Holly Brugh, Director of Children’s Services Tom Whitfield, CIO/CFO Harold Harrison, Director of HR Jerilyn George, Director of SSA/Medicaid Jean Fish, Dir. of Adult Svs.-Center Based Maggi Albright, Recording Secretary and others | <ul style="list-style-type: none"> Lindsay Bachman, Director of MUI Joe Eck, Labor Relations Manager Bill Payne, Sr. Dir. of Board Svs. & Spts. Tom Jacobs, Dir. of Operations/SHDC Carrie Roberts, Director of Adult Services – Community Employment Services Kevin McGee, Director of PCR & Specialty Businesses Billie Jo David, Director of Planning & Performance Excellence & Q.A. |
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I. OHIO PUBLIC IMAGE (OPI) AWARDS

Mr. Armstrong announced that the Summit DD was recognized at the recent OACB Conference as the recipient of four out of twelve possible OPI awards of excellence for communication and awareness. The awards were received in the following categories:

- ▶ Public Relations Effort – Multi-Lingual/Diversity Outreach Campaign; “How Do I know if I’m Eligible”
- ▶ Public & Community Relations Department Overall Awareness and Outreach Campaign – 2009 Summit DD Board Awareness
- ▶ Website; the Summit DD’s new website (Summitdd.org)
- ▶ Special Event – Ready, Fit, Able Program at the Barberton YMCA

WORK SESSION *(continued)*

I. OHIO PUBLIC IMAGE (OPI) AWARDS

Additionally, Summit DD received an award of merit in Print Journalism – Paper over 100,000 Circulation for submitting the article “Young Journalist Mirrors Success of UA Team” on behalf of Jewell Cardwell, an Akron Beacon Journal sports reporter who has a disability. Mr. Ginter noted that a number of years ago there was some discontent about the Agency’s need for a marketing and public relations department. The terrific public awareness campaigns and the awards and recognition received each year speak to the benefit of having a PR department. Mr. Armstrong commented that he is pleased about the Public Relations Effort award and noted that staff intend to build on cultural competencies and find additional ways to reach out to all segments of the community.

II. SUMMIT HOUSING DEVELOPMENT CORPORATION (SHDC) AD HOC COMMITTEE

An ad-hoc committee was chartered to codify the roles of the Summit DD Board and the SHDC Board relative to overall responsibilities for long range planning of housing needs for individuals with developmental disabilities and to better define the relationship between the boards. The ad-hoc committee consists of two SHDC Board Members, two Summit DD Board Members (Bill Ginter and Joe Siegfert), Superintendent Armstrong and other Summit DD staff. Mr. Ginter indicated that the committee is working on what the tasks should be relative to developing new housing options and how to apply standards for implementation relative to Summit DD Board funding. Summit DD will retain the obligation to ensure health and safety, with the SHDC Board being responsible for providing housing. Mr. Armstrong indicated the committee continues to meet regularly and should complete its work soon.

III. BLAUGRUND HERBERT & MARTIN CONTRACT

The request is to enter into a contract with Blaugrund Herbert & Martin for legal representation for the period January 1, 2010 through December 31, 2010 in an amount not to exceed \$75,000. Even though this is a non-contract year relative to the labor agreements, legal representation will be necessary to address the unfair labor practice (ULP) charges that are active stemming from recent negotiations with the three OEA locals. The hourly rate for services under this contract is \$195.00, which is the same hourly rate paid in 2009. The Board asked how variable the contract amount is from year to year. Mrs. Kamlowsky replied that it depends on whether labor contracts are being negotiated and indicated that the Board spent \$78,100 in 2009 during contract negotiations with AFSCME. She noted that those negotiations were very productive and went relatively smoothly. Funds are available in the budget and the contract has been recommended for approval by the March HR/LR Committee.

WORK SESSION *(continued)*

IV. POLICIES

The proposed revisions to Policy #2420 and Policy #2500 represent best practice and will help to monitor and minimize leave of absence abuse.

A. REVISED POLICY #2420 – EMPLOYMENT RESTRICTIONS/CONFLICT OF INTEREST

The proposed revisions to this policy would prohibit staff from working a second job during an approved leave of absence unless the secondary job represents military or public service, as approved by the Superintendent. Revised Policy #2420 has been recommended for approval by the March HR/LR Committee. The Board questioned the wording in #3 of the policy and asked about reporting requirements outlined in #7 of the policy. Mrs. Kamlowksy indicated that wording would be clarified and reviewed again through the April HR/LR Committee prior to seeking approval at the April Board Meeting.

B. REVISED POLICY #2500 – FAMILY AND MEDICAL LEAVE ACT

The proposed revisions to this policy prohibit employees from working a second job during an approved Family and Medical Leave Act (FMLA) leave. Revised Policy #2500 has been recommended for approval by the March HR/LR Committee. The Board noted that the use of *mental retardation* was still present in this revised policy and also asked for language that was more clear relative to the last paragraph of the policy. Mrs. Kamlowksy indicated that the use of *mental retardation* would be removed and language clarified. The policy will be reviewed again through the April HR/LR Committee prior to seeking Board approval at the April Board Meeting.

V. RENEWAL OF PROPERTY, LIABILITY, FLEET/AUTOMOTIVE, UMBRELLA AND DIRECTORS & OFFICERS INSURANCE

The Summit DD needs to maintain risk protection for Board operations and the current policy expires March 31, 2010. Seibert Keck Insurance Company has proposed rates, as outlined in attachment #3, that represent a 16.93% increase in property & liability insurance, however the new Cuyahoga Falls and Barberton Centers have been added to the policy. The total premium for all insurances for the period April 1, 2010 through March 31, 2011 would be \$191,776, which is a 3.02% increase over the previous policy. The rate level can be extended through March 30, 2012 if the Board chooses to do so. KBM Management, Summit DD's independent insurance consultant, has reviewed the proposed premiums and coverage submitted by Seibert Keck Insurance Company and recommends renewal of the policies with Philadelphia Insurance Company. Philadelphia has an AM Best rating of A+ (Superior) which is the second highest rating available. At the February Board Meeting, Board Members asked if the proposed levels of D&O coverage were sufficient and requested that each Board Member receive a copy of the D&O policy.

WORK SESSION *(continued)*

V. RENEWAL OF PROPERTY, LIABILITY, FLEET/AUTOMOTIVE, UMBRELLA AND DIRECTORS & OFFICERS INSURANCE *(continued)*

Mr. Armstrong noted that the insurance consultant indicated that coverage levels are sufficient and consistent with or in some cases higher than other entities similar to the Summit DD. Staff contacted six other large county boards in Ohio; two did not reply, two carry only general liability, one carries \$5 million dollars umbrella with no D&O and one carries \$1 million dollars umbrella with no D&O. The Board asked if there has ever been a claim. Mr. Armstrong replied that there has been a claim in the past but it was not as high as the Board's coverage limits. Each Board Member was given a copy of the D&O policy. Funds are available in the budget and the property, liability, fleet/ automotive, umbrella and directors & officers insurance has been recommended for approval by the February Finance & Facilities Committee.

VI. ALL STAR TRAINING CLUB (ATC) CONTRACT

The ATC contract provides academic, sports, social and emotional activities to eligible children ages 5-22 for up to six weeks during June 21st - July 31st. Services are provided by special education certified teachers and ATC is a state Autism provider that has served individuals with behavioral challenges who were not successfully served in other camp programs. Weekly cost is \$225/camper, including transportation. Camper contributions are based on a sliding fee scale. Summit DD will provide funding of up to \$202 per camper/week, based on expenditures. When identified in the IEP, the school pays for camp as part of the extended school year. If not identified in the IEP, the Board provides support as part of core day service. The Summit DD has provided in-kind support to ATC through the use of facilities for the past two years. This is a new contract for 2010/2011 in the amount of \$54,540 per year for the total two-year contract not to exceed \$109,080. The contract will expand the number of children served by 55 additional, with ten of the children supported by the schools. At the February Board Meeting, the Board asked about the demographics of campers. Mr. Armstrong noted that data, broken down by school district, is being provided that identifies demographic information. The Board noted that there were 43 male versus 12 female campers in 2009. Mr. Payne replied that ATC has an emphasis on academics and sports and that might account for why there are a higher number of male campers. Mr. Armstrong indicated that staff would see if additional data is available. Relative to the sliding fee scale, the Board must provide mandated services regardless of the person served age and family income and does charge a sliding fee for non-mandated services, which usually include recreational programs. Mr. Armstrong noted that family obligation for a typical child versus a child with special needs is considered and indicated that the sliding fee scale is reviewed periodically. The Board commented that there are two campers from school districts not in Summit County. Mr. Armstrong indicated that the two campers live in Summit County but attend a different school district. He also noted that once the state amends the waiver, camp will be considered as part of an expanded waiver service. Funds are available in the budget and the ATC contract has been recommended for approval by the February Finance & Facilities and Services & Supports Committees.

WORK SESSION *(continued)*

VII. NORTHWEST OHIO DEVELOPMENTAL CENTER (NODC) CONTRACT

The NODC is a licensed and certified Intermediate Care Facility (ICF) operated by the Ohio Department of Developmental Disabilities (ODODD). NODC provides emergency crisis services for situations in which health and safety of a person served is not able to be ensured in their community. This contract would provide room and board, habilitation and assessment services to one high-risk/high-needs individual for the period April 20th through July 31, 2010. The additional contract amount would not exceed \$58,752, with a per diem rate of \$576.00. The individual served has experienced crisis level situations and has demonstrated extremely aggressive behaviors unrelated to DD needs. The Summit DD Board has been the sole funder in the past, however, Mr. Armstrong indicated that he met with the director of the ADM Board as well as a local provider to collaborate on mental health services for individuals with developmental disabilities and to discuss how the services gap for these types of situations can be narrowed in the future. Mr. Armstrong noted that when an individual is eligible for Board services, it is the Board's statutory obligation to ensure health and safety even if other agencies are not contributing. The state is responsible for determining eligibility for ICF services and staff are working with the NODC to get ICF level of service status for this individual. If this occurs, Medicaid would provide 70% of the costs. This individual has been served for about a year at NODC since there has not been a willing provider in Summit County that could meet his needs. A transition plan is currently under development so that this individual can be served in Summit County. The initial NODC contract amount was \$210,240 for a twelve month period. Mr. Armstrong advised that since the last Board Meeting, a conference call was held with the ODODD Deputy Director, NODC Superintendent and program staff. It was noted that the individual has made substantial progress and staff are working to transition this individual back to Summit County as soon as possible but before July 31, 2010. At the February Board Meeting, the Board asked for information relative to the transition plan. Mr. Armstrong commented that the team indicated that the individual has continued to comply with the service plan and is making progress. If necessary, this individual could be placed back at NODC for up to 72 hours for re-stabilization. The Board asked if progress has been made relative to other funding sources. Mr. Armstrong replied that historically, other agencies haven't considered it part of their responsibility relative to funding when the individual has a developmental disability. At this point, ICF level of care is the most likely to yield other financial supports. He noted that staff continue to pursue ongoing discussions with other organizations, although agreements relative to funding have not yet been reached. The Board asked if it would be beneficial to include Board Members in these discussions. Mr. Armstrong replied that if agreements cannot be reached at the executive director level then he will advise the Board so that Board level discussions can be considered. The Board asked how long discussions have been ongoing. Mr. Armstrong noted that it has been less than a year with CSB and less than six months with the ADM Board since the dialogues and discussions began and he believes that progress is being made. The Board indicated that if no progress is made by the end of this year the Superintendent should involve the Board at that time. The Board asked if the ADM Board has been unwilling to contribute to funding.

WORK SESSION *(continued)*

VII. NORTHWEST OHIO DEVELOPMENTAL CENTER (NODC) CONTRACT *(continued)*

Mr. Armstrong indicated that the ADM Board did not say they would not contribute but what always happens is that if an individual is developmentally disabled then the county DD board is perceived as being solely responsible. Funds are available in the budget and the Northwest Ohio Developmental Center Contract has been recommended for approval by the February Finance & Facilities Committee and the February Services & Supports Committee.

VIII. CENTER FOR MARKETING AND OPINION RESEARCH (CMOR) CONTRACT

The request is to contract with CMOR to conduct the 2010 Service Satisfaction Survey. The survey will evaluate the satisfaction of its customers in key service areas, making valid comparisons with statewide and national data through national core indicators. In addition, the oversample for providers will allow for statistically valid comparisons of persons served and parent/guardian satisfaction by provider of service. There will be 200 persons served and 384 parents/guardians in the baseline survey and 350 additional persons served and 400 additional parents/guardians surveyed for provider satisfaction results. The surveys will be conducted in May/June with the final report available in August. The Board asked how the telephone interviews are conducted. Mrs. David replied that letters are sent to a random sampling to advise of the interviews and to see if families would like to select a specific time for the telephone interview. If no indication is made then calls are made to the random sampling between 6-8 p.m. The satisfaction data will be shared on the provider portal. The total cost is \$43,500, which is an increase of \$2,000 over the 2009 contract due to 100 additional interviews that will be conducted to retain the 5% margin of error for parents/guardians and 7% margin of error for persons served. Hourly rates for services have not increased since the Agency began contracting with CMOR in 2007. Funds are available in the budget and the CMOR contract has been recommended for approval by the February Services & Supports Committee.

IX. FEBRUARY FINANCIAL STATEMENTS

February revenue reflects an overall unfavorable variance of \$1,178,341 primarily due to non-medical transportation and day array revenue coming in less than expected. Expenditures reflect an overall favorable variance of \$1,358,049 for the month due to the timing of waiver match expenses, contingency being less than expected and real property improvements at the Barberton and Cuyahoga Falls Centers being more than what was budgeted. The Board asked how much less than budget the new centers were. Mr. Jacobs replied that there was a 10% contingency and 7% of the contingency was utilized with 3% remaining. The ending fund balance for February was \$46,627,430, which is a favorable variance of \$1,721,909 year-to-date.

WORK SESSION *(continued)*

X. REVIEW OF DIRECT SERVICE CONTRACTS

The Board's Ethics Committee met to review the affidavits of Board employees Kristen Dowey, Fran Hughes, Amanda Mills, Donna Rawson and Anna Shea. Ms. Dowey and Ms. Shea are employees of the Board who are also employed by Blick Clinic. Ms. Hughes, Ms. Mills and Ms. Rawson are employees of the Board who are also independent waiver providers certified through the State of Ohio. The Ethics Committee has determined that each direct service contract meets the conditions specified in Ohio Revised Code (ORC) 5126.033. The Ethics Committee recommends that the Board continue to participate in it's contract with Blick Clinic.

The work session adjourned at 5:58 p.m.

BOARD MEETING

The **regular monthly meeting** of the County of Summit Developmental Disabilities Board convened at 5:58 p.m.

I. APPROVAL OF MINUTES

A. FEBRUARY 17, 2010 (Combined Work Session and Regular Meeting)

R E S O L U T I O N

No. 10-03-01

Mr. Briggs moved that the Board approve the minutes of the February 17, 2010 combined Work Session and Regular Meeting, as presented in attachment #9. The motion, seconded by Mr. Quade, was unanimously approved.

BOARD MEETING *(continued)*

II. BOARD ACTION ITEMS

A. FINANCE & FACILITIES COMMITTEE

- 1. RENEWAL OF PROPERTY, LIABILITY, FLEET/AUTOMOTIVE, UMBRELLA AND DIRECTORS AND OFFICERS INSURANCE

R E S O L U T I O N
No. 10-03-02

Mrs. Demas moved that the Board approve the purchase of property, liability, fleet/ automotive, umbrella and directors and officers liability insurance with Seibert Keck Insurance Agency under policies, as outlined in attachment #3, in an amount not to exceed One Hundred Ninety One Thousand Seven Hundred Seventy Six Dollars (\$191,776.00), for the period April 1, 2010 through March 31, 2011, and that the Superintendent be authorized to sign said contract. The motion, seconded by Mrs. Cooper, was unanimously approved.

- 2. ALL STAR TRAINING CLUB CONTRACT

R E S O L U T I O N
No. 10-03-03

Mr. Siegferth moved that the Board approve a two-year contract with All Star Training Club Camp in the amount of Fifty Four Thousand Five Hundred Forty Dollars (\$54,540.00) in 2010 and Fifty Four Thousand Five Hundred Forty Dollars (\$54,540.00) in 2011, for the total two-year contract amount not to exceed One Hundred Nine Thousand Eighty Dollars (\$109,080.00), and that the Superintendent be authorized to sign said contract. The motion, seconded by Mr. Quade, was unanimously approved.

- 3. NORTHWEST OHIO DEVELOPMENTAL CENTER CONTRACT

R E S O L U T I O N
No. 10-03-04

Mr. Quade moved that the Board approve a contract with Northwest Ohio Developmental Center to provide room and board, habilitation and assessment services for one individual, for the period April 20, 2010 through July 31, 2010 for the total contract amount not to exceed Fifty Eight Thousand Seven Hundred Fifty Two Dollars (\$58,752.00), and that the Superintendent be authorized to sign said contract. The motion, seconded by Mr. Siegferth, was unanimously approved.

BOARD MEETING *(continued)*

II. BOARD ACTION ITEMS *(continued)*

A. FINANCE & FACILITIES COMMITTEE *(continued)*

4. CENTER FOR MARKETING AND OPINION RESEARCH (CMOR) CONTRACT

R E S O L U T I O N
No. 10-03-05

Mrs. Walker moved that the Board approve a contract with Center for Marketing and Opinion Research to conduct the 2010 Service Satisfaction Survey in an amount not to exceed Forty Three Thousand Five Hundred Dollars (\$43,500.00), and that the Superintendent be authorized to sign said contract. The motion, seconded by Mrs. Cooper, was unanimously approved.

5. FEBRUARY FINANCIAL STATEMENTS

R E S O L U T I O N
No. 10-03-06

Mrs. Cooper moved that the Board approve the February Financial Statements, as presented in attachment #7. The motion, seconded by Mr. Quade, was unanimously approved.

B. ETHICS COMMITTEE

1. REVIEW OF DIRECT SERVICE CONTRACTS

R E S O L U T I O N
No. 10-03-07

Mr. Briggs moved that whereas the Board’s Ethics Committee has reviewed the affidavits relative to secondary employment of Board employees Kristen Dowey, Fran Hughes, Amanda Mills, Donna Rawson and Anna Shea and found that appropriate ethical Standards have been met;

Therefore be it resolved that the Board adopt the recommendations of the Ethics Committee finding that the conditions specified in Ohio Revised Code Section 5126.033 have been met, and that the Board continue to participate in its contract with Blick Clinic. The motion, seconded by Mr. Quade, was unanimously approved.

BOARD MEETING *(continued)*

III. SUPERINTENDENT'S REPORT

A. ABOVE GROUND FUEL STORAGE TANK LOCATION FOLLOW-UP

After reviewing options relative to the placement of the above ground fuel storage tank, there does not appear to be a better location. Staff have also looked at other options for fueling the 20-25 buses that regularly utilize the on-site tank, such as partnering with other county entities, but don't believe this would be cost effective due to the empty miles that would be incurred getting to and from another fueling location. Staff have tried to secure better pricing from the purchasing co-op but that is only optional if the Board has a bigger fuel storage tank and could purchase in larger volume. The Board asked why buses couldn't utilize other fueling areas around the county since they would presumably need to pass by or in close proximity to them. Mr. Armstrong noted that staff have reviewed this option and there are a number of variables involved, primarily the empty miles which is expensive. He recommended that this topic be reviewed in greater detail at the next Finance & Facilities Committee and the Committee can present a recommendation to the Board.

B. NINTH STREET EMERGENCY RESPITE HOME – AVERAGE OCCUPANCY

As a follow-up to the Board's questions about occupancy at the Ninth Street home, Mr. Armstrong indicated that there were 346 days of occupancy in 2009. The home averaged two persons served per day. The contract is structured that only actual staff hours utilized are billed unless the home is completely empty and then the rate charged is for one staff. This situation only occurred for several days in 2009.

C. INITIAL LEVY PLANNING

The first Levy Committee meeting was held to begin initial planning and determine what sub-committees would need to be established. The levy is scheduled to go on the ballot in November 2011. Given the state of the economy, the Board is trying to work within existing resources through 2018 even though the current levy was designed to provide resources to 2012. Mr. Ginter noted that a Levy Committee Chair will need to be selected and indicated that recommendations could be forwarded to him or the Superintendent.

D. CANAL PLACE POTENTIAL RELOCATION

A committee consisting of staff and Board Members have been analyzing Canal Place relative to spacing and future employment considerations and it has been determined that the program is rapidly outgrowing the current space. Canal Place is the location for Clay Crafters, Custom Stitches and the Weaver Cleaning crew. Programs could be expanded with additional individuals employed if the space could be increased. Staff are reviewing whether it would be more beneficial to lease or purchase a different space.

BOARD MEETING *(continued)*

III. SUPERINTENDENT'S REPORT *(continued)*

E. DIRECTORS AND OFFICERS LIABILITY INSURANCE

This topic was reviewed during the discussion of Property, Liability, Fleet/Automobile, Umbrella and Directors and Officers Insurance.

F. NEW BARBERTON AND CUYAHOGA FALLS WORK CENTERS

The new Barberton and Cuyahoga Falls work centers opened on time on March 1st with official ribbon cutting ceremonies to take place on April 28th at noon at the Cuyahoga Falls Center and 5:05 p.m. at the Barberton Center. The transition of closing the Bath Center, opening the two new work centers and altering transportation routes impacted approximately 1,000 persons served and their families and went fairly smoothly. The communication around the transition started early and continued throughout the process. Mr. Armstrong stated that Bill Payne, Jean Fish, Tom Jacobs and all the staff who assisted in the transition did a fantastic job making the process seamless and thanked them for all their hard work and efforts. He also thanked Tom Berry for his active participation. He noted that Mr. Berry served on the transition committee and was deemed the unofficial project manager for the two new sites. Mr. Berry's contributions have been very valuable and much appreciated. Mr. Quade mentioned that, speaking on behalf of a family member of a person served, he really appreciated the open tours that were held for persons served attending the facilities and their families prior to the March 1st opening was a great help in making the adjustment to the move and helping to get acclimated to the new environment before the first day.

G. 2009 SUMMIT DD ANNUAL REPORT

Mr. Armstrong distributed copies of the 2009 Summit DD Annual Report to Board Members and noted that Billie Jo David took the point for the entire project and did an excellent job. The Report is complete earlier than in previous years and looks better than ever.

IV. PRESIDENT'S COMMENTS

Mr. Ginter noted that the Board and staff have improved dramatically relative to the way communication is handled and how change is implemented with persons served, families, staff and stakeholders. He was pleased at the minimal disruption given the scope of the recent transitions and stated that this is a great example of how these types of changes and communications should occur. The preplanning, contingency planning and analysis of impact on persons served/families was fantastic and staff should continue to strive for continuous improvement. Mr. Ginter thanked staff for the outstanding job during this transition. He further acknowledged Mr. Berry's role and the role of The Arc of Summit and Portage Counties in assisting the Board in moving toward the creation of smaller community integrated centers.

BOARD MEETING *(continued)*

V. EXECUTIVE SESSION

R E S O L U T I O N

No. 10-03-08

Mrs. Cooper moved that the Board enter into Executive Session in compliance with the Sunshine Laws, Ohio Revised Code 121.22, Section G, Subsection (1) for purposes of discussing employment of a specific employee. Upon reconvening, the Board may or may not conduct additional business. The motion was seconded by Mrs. Demas.

Roll call vote: Quade-yes, Cooper-yes, Ginter-yes, Briggs-yes, Siegfert-yes, Demas-yes and Walker-yes. The motion was unanimously approved.

The regular session of the Board meeting adjourned at 6:26 p.m.

The Board entered into Executive Session at 6:35 p.m.

The Board meeting reconvened at 7:40 p.m.

There being no further business, the Board Meeting adjourned at 7:40 p.m.

Cynthia Walker, Secretary