

## Lucas County Board of Developmental Disabilities

April 27, 2020

Place of Meeting: Administrative Services Building  
1154 Larc Lane, Toledo, Ohio

Time: 5:30 P.M.

Member Present: Mr. Rick Henzler, President, presided

Members Present via Teleconference: Dr. Jeanne Brockmyer, Mr. Mark Frye, Mr. Scott Noonan, Dr. Eileen Quinn, Mr. Ron Volk and Ms. Linnie Willis

Members Absent: n/a

### I. Call to Order/Welcome:

Mr. Rick Henzler called the meeting to order at 5:31 p.m. Following roll call, Mr. Henzler welcomed everyone and opened the floor for public comments for those individuals with last names starting with the letters A through M and N through Z. There were no public comments.

At this time, Mr. Henzler acknowledged all of the employees of the Lucas County Board of DD. On behalf of all the Board members, Mr. Henzler sincerely thanked all of the County Board staff for their highest level of professionalism, innovation and commitment demonstrated to the individuals we serve. The Board deeply appreciates all of our staff efforts to meet the needs of our individuals during this challenging time of COVID-19 pandemic.

Special Recognition Awards were deferred to a future Board meeting.

### II. Board Action Items:

#### A. Consent Agenda:

Mr. Henzler opened the floor to Board members and asked if there were any topics to be removed from the Consent Agenda and placed on the Topics for Board Discussion section. Mr. Henzler requested that topic II.A.7. – State Term Purchase of HVAC Rooftop System for Larc Lane Center be removed.

After hearing no additional topics be removed from the Consent Agenda, Dr. Brockmyer made a motion to approve the Consent Agenda dated April 27, 2020 as amended. Seconded by Ms. Willis. Motion carried unanimously.

#### 1. Board Meeting Minutes:

To approve the March 23, 2020 Board Meeting Minutes.

2. Correspondence:

To approve the following correspondence as submitted:

- a) The Blade article "TARPS opens doors of opportunity – one ride at a time" dated 4/13/2020
- b) April 14, 2020 DoDD Update: County Board Cost Projections, Reports

3. Limited Employment Contracts:

There are no limited employment contracts for renewal this month.

4. Contracts:

- a) Voucher – R.W. – To approve a Voucher for R.W. effective May 1, 2020 through April 30, 2021, in an amount not to exceed Twenty-Nine Thousand, One Hundred Thirty-Six Dollars (\$29,136.00).
- b) MOA Non-Congregate Sheltering in Lucas County, OH (COVID-19) – To approve the Memorandum of Agreement with the Lucas County Commissioners for Non-Congregate Sheltering in Lucas County, Ohio during the COVID-19 Pandemic at a cost not to exceed Forty-Five Thousand Dollars (\$45,000.00).
- c) Nursing Contract (COVID-19) – To approve the Service Agreement with Theresa Taylor RN for a term from April 20, 2020 through October 19, 2020 at a cost not to exceed Twenty-Five Thousand Dollars (\$25,000.00).

5. Policy Amendments

To approve the temporary procedures (Attachment 1 and 2) to Policy 3-5 Family and Medical Leave as summarized in memo dated April 16, 2020.

6. Annual Report to the Community

To approve for publication the 2019 Annual Report to the Community.

Mr. Frye noted that pie chart legend percentages for expenditures should match the pie chart before publication.

7. State Term Purchase of HVAC Rooftop System for Larc Lane Center

Topic was removed from Consent Agenda and placed in Section II.B topics requiring Board Discussion.

B. Topics Requiring Board Discussion:

1. Finance Report **(Board Motion)**

Ms. Kim Shankleton, Director of Business Operations, highlighted the financials for March, 2020. Dr. Brockmyer made a motion to approve the Financial Report for March, 2020. Seconded by Ms. Willis. Motion carried unanimously.

2. Resolutions and Vouchers **(Board Motion)**

Ms. Shankleton highlighted the payment schedules for March, 2020. After discussion, Mr. Noonan made a motion to approve the payment schedules for March, 2020. Seconded by Mr. Volk. Motion carried unanimously.

3. State Term Purchase of HVAC Rooftop System for Larc Lane Center

Mr. Henzler asked for clarification of this purchase. Mr. Nick Bruno, Capital Projects Manager, indicated this purchase is actually replacing the second unit at Larc Lane Center. Shepherd Mechanical will be doing the installation.

After discussion, Mr. Volk made a motion to approve the purchase of a Voyager 30 Ton cooling unit from Trane using State pricing US communities #34-423970-18-004 for a cost not to exceed Thirty-Four Thousand, Eight Hundred and Eighty-Four Dollars (\$34,884.00). Seconded by Dr. Brockmyer. Motion carried unanimously.

III. Presentation:

There is no formal presentation scheduled for this month.

IV. Program Priorities and Goals Update:

- A. Management Letter: Superintendent Lori Mariucci highlighted the Management Letter. Ms. Michele Myerholtz, Assistant Superintendent, provided an update on Community Inclusion Department activities. We have helped 56 providers. Fifteen SSAs have reached out for personal protective equipment (PPE) support for individuals and families on their caseload.

We assisted about 30 providers with the drive-thru donation. Other deliveries of hygiene and cleaning items have been made to individuals and families.

- B. Statistics/Metrics: February and March 2020 figures were provided in the Metrics Report dated April 23, 2020.
  - C. Provider Community:
    - 1. Provider Partnership Collaborative: Superintendent Mariucci met with the Provider Partnership Collaborative via teleconference on April 23, 2020 the regularly scheduled bi-monthly meeting. The group shared information and strategies during COVID-19.
    - 2. Preferred Properties, Inc.: The Executive Director report for March, 2020 was provided by Ms. Cheryl Wilson.
  - D. Supplemental Reports:
    - 1. MUI Unit Report – A status of March 2020 MUI unit activities were provided. There were 72 MUIs filed in March 2020.
- V. Board Governance Matters:
- A. Board Member Comments/Questions/Assignments/Presentations:

Mr. Frye indicated he has heard some hospitals are not allowing guardians to accompany patients with developmental disabilities into the hospitals for care. He expressed his concern with this and encouraged Superintendent Mariucci to reach out to the Governor’s office and State legislators as this is a statewide issue. Every hospital has different protocols for admissions for individuals with developmental disabilities; therefore, it is imperative that the County Board be proactive in addressing this statewide issue.

Board members are in agreement. Superintendent Mariucci will follow-up with OACB, Emergency Management Association, ABLE and DRO.
  - B. Legislative Update: A status of legislative activities was provided in a memorandum dated April 16, 2020 prepared by Ms. Mary Anne Burns, Legal Counsel.
  - C. Future Service Contracts: There are no contracts requiring Board review this month.

VI. Old Business

There were no issues to come before the Board under Old Business.

VII. Board Calendar of Events:

- A. Monday, May 18, 2020 – Board Meeting @ 5:30 pm
- B. Monday, May 25, 2020 – Memorial Holiday – Facilities Closed
- C. Tuesday, June 9, 2020 – Family and Advocate Forum @ 9:30 am
- D. Monday, June 22, 2020 – Board Meeting @ 5:30 pm

VIII. Executive Session:

Mr. Henzler made a motion to go into Executive Session at 6:00 p.m. to discuss Pending Litigation, Confidential Client Matters and to consider discipline of a public employee. Seconded by Mr. Frye. Motion carried unanimously by roll call vote:

Dr. Jeanne Brockmyer voted - yes  
Mr. Mark Frye voted - yes  
Mr. Rick Henzler voted - yes  
Mr. Scott Noonan voted - yes  
Dr. Eileen Quinn voted - yes  
Mr. Ron Volk voted - yes  
Ms. Linnie Willis voted - yes

Motion by Mr. Henzler to return to regular session at 7:01 p.m. following discussion of the above. Seconded by Mr. Noonan. Motion carried unanimously by roll call vote:

Dr. Jeanne Brockmyer voted - yes  
Mr. Mark Frye voted - yes  
Mr. Rick Henzler voted - yes  
Mr. Scott Noonan voted - yes  
Dr. Eileen Quinn voted - yes  
Mr. Ron Volk voted - yes  
Ms. Linnie Willis voted - yes

IX. New Business:

Mr. Henzler read the following resolution No. 20-001 Rejection of Referee Recommendation pursuant to O.R.C. 5126.23:

WHEREAS, O.R.C. 5126.23 sets forth a process for management employees of county boards of developmental disabilities to appeal disciplinary actions involving removal, suspension or demotion; and

WHEREAS, on September 26, 2019, the Lucas County Board of Developmental Disabilities (Board) received a written demand for a hearing from Kimberly Shankleton; and

WHEREAS, O.R.C. 5126.23(E) permits either an employee or the Board to demand a hearing before a referee selected in accordance with O.R.C. 5126.23(F); and

WHEREAS, at a public meeting held October 17, 2019, the Board elected to refer this disciplinary matter to a referee in accordance with O.R.C. 5126.23; and

WHEREAS, Attorney Lee Belardo was mutually selected by the parties to serve as referee to hear this matter and presided over a hearing held December 2, 2020; and

WHEREAS, Referee Belardo issued his report on March 23, 2020;

WHEREAS, the Board has reviewed the report;

NOW, THEREFORE, BE IT RESOLVED, by the Board:

Section 1. To accept the Referee's Findings of Fact including but not limited to:

-The Lucas County Board of Developmental Disabilities did prove by a preponderance of the evidence that management employee Kim Shankleton acted dishonestly when she stated she had documents approving her actions when no such documents existed.

-By a preponderance of the evidence this referee finds management employee, Kim Shankleton, violated written rules and enacted guidelines of the Lucas County Board of Developmental Disabilities, in as far as dishonesty is a violation of said written rules and enacted guidelines.

Section 2. To reject the Referee's Recommendation that a Five Day Disciplinary Suspension was inappropriate.

Section 3. This Board concludes that dishonesty exhibited by the Board's Business Manager who is entrusted with the financial and payroll matters of the Board is a serious matter and warranted a Five Day Suspension issued by the Superintendent.

Section 4. This resolution shall be in full force and effect immediately upon its adoption.

Seconded by Ms. Willis. On the foregoing,

Board Member Brockmyer - abstained

Board Member Frye voted - yes

Board Member Henzler voted - yes

Board Member Noonan voted - no

Board Member Quinn voted - no

Board Member Volk voted - no

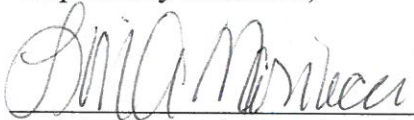
Board Member Willis voted - yes

As the vote on the Resolution was 3 in favor and 3 opposed, with one abstention, the Resolution failed.

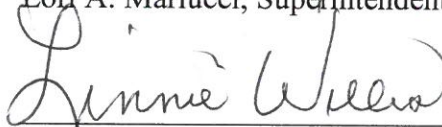
X. Adjournment:

Motion by Ms. Willis to adjourn at 7:14 p.m. Seconded by Dr. Brockmyer. Motion carried unanimously.

Respectfully submitted,



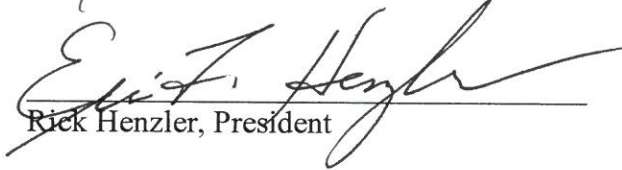
Lori A. Mariucci, Superintendent



Attest:

Linnie Willis, Recording Secretary

Approved by:



Rick Henzler, President