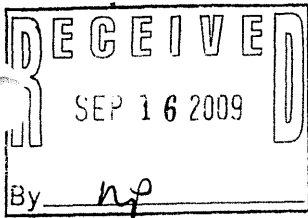


COPY



**JOINT RESOLUTION  
HARVEY COUNTY NO. 2009-15  
MARION COUNTY NO. 2009-10  
AMENDING JOINT RESOLUTION  
HARVEY COUNTY NO. 2007-12  
MARION COUNTY NO. 2007-07**

**A JOINT RESOLUTION AMENDING HARVEY COUNTY RESOLUTION NO. 2007-12 AND MARION COUNTY RESOLUTION NO. 2007-07 WHICH ESTABLISHED THE HARVEY-MARION COUNTY COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION ORGANIZED AND OPERATED IN ACCORDANCE WITH THE DEVELOPMENTAL DISABILITIES REFORM ACT AND ARTICLE 64 OF THE KANSAS ADMINISTRATIVE REGULATIONS, AND SUBJECT TO APPROVAL BY THE STATE OF KANSAS COMMISSIONER OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, THE HARVEY AND MARION COUNTY COMMISSIONERS ASSIGN AND DELEGATE RESPONSIBILITIES AND POWERS TO THE HARVEY-MARION COUNTY COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION.**

WHEREAS, the Harvey and Marion County Commissions have determined the Community Developmental Disability Organization in both counties should be separate from any Developmental Disability Community Service Provider due to the possibility of conflicts of interest, and;

WHEREAS, the Harvey and Marion County Commissions wish to establish a new Community Developmental Disability Organization organized and operated in accordance with the Developmental Disability Reform Act and Article 64 of the Kansas Administrative Regulations, and subject to approval by the State of Kansas Commissioner of Mental Health and Developmental Disabilities, and;

WHEREAS, the Harvey and Marion County Commissions wish to combine resources to establish and operate this new Community Developmental Disability Organization, and;

WHEREAS, the Harvey and Marion County Commissions wish to delegate responsibilities and powers to this new Community Developmental Disability Organization, yet maintain oversight and public openness of the new organization,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF HARVEY COUNTY COMMISSIONERS, HARVEY COUNTY, KANSAS AND THE BOARD OF MARION COUNTY COMMISSIONERS, MARION COUNTY, KANSAS THAT;**

**Section 1.** A new Community Developmental Disability Organization shall be organized and operated in accordance with the Developmental Disabilities Reform Act and Article 64 of the

Kansas Administrative Regulations, and subject to approval by the State of Kansas Commissioner of Mental Health and Developmental Disabilities. This organization shall be named the Harvey-Marion County (CDDO) Community Developmental Disability Organization, and shall include a service territory of Harvey and Marion Counties.

**Section 2.** The members of the Harvey-Marion County CDDO governing board shall consist of nine members appointed by the Harvey and Marion County Commissioners on the second Monday of January or until a successor is appointed.

The governing board shall be comprised in the following manner:

- a) Two members shall be nominated by a qualified organization whose members are parents or guardians of developmentally disabled persons, or developmentally disabled persons in the two county area. To be considered a qualified organization, the parents or guardians of developmentally disabled persons must represent at least ten percent of the total developmentally disabled persons in Harvey and Marion Counties receiving services from the Harvey-Marion County CDDO through an affiliated service provider. If more than one qualified organization exists, then each qualified organization shall nominate a member, and if more than two qualified organizations exist, then the nominations shall rotate. At least one of these two members nominated must be a parent of a developmentally disabled person, and the second member must be a parent or guardian of a developmentally disabled person, or a developmentally disabled person. The initial term for these two members shall be for three years, and successor terms shall be for three years.
- b) The Board of Harvey County Commissioners shall appoint three members who are residents of Harvey County to the Harvey-Marion County CDDO governing board. The initial term for one member shall be for two years, and successor terms shall be for three years. The initial term for two members shall be for one year and successor terms shall be for three years.
- c) The Board of Marion County Commissioners shall appoint three members who are residents of Marion County to the Harvey-Marion County CDDO governing board. The initial term for one member shall be for two years, and successor terms shall be for three years. The initial term for two members shall be for one year and successor terms shall be for three years.
- d) The Boards of Harvey and Marion County Commissioners shall jointly appoint one person who is a resident of Harvey or Marion Counties to the Harvey-Marion County CDDO governing board. The initial term shall be for three years, and successor terms shall be three years.

**Section 3.** Any member of the Harvey-Marion County CDDO governing board shall only be allowed to serve on the governing board a maximum of two complete three year terms. A minimum of three years must elapse after the member has served two complete three year terms

before the member is eligible to again be a member of the governing body of the Harvey-Marion County CDDO.

**Section 4.** The Governing Board of the Harvey-Marion County CDDO may establish by-laws, policies, and rules for operating the Harvey-Marion County CDDO.

**Section 5.** The Governing Board of the Harvey-Marion County CDDO shall hire and fire all employees, or delegate the hiring and firing of employees to a Director or other such designated personnel. The Governing Board of the Harvey-Marion County CDDO shall establish compensation for all employees. The Governing Board of the Harvey-Marion County CDDO shall approve all personnel policies and benefits for the Harvey-Marion County CDDO.

**Section 6.** The Governing Board of the Harvey-Marion County CDDO shall pay all invoices, estimate an annual budget, and maintain all financial records for the Harvey – Marion County CDDO. The members or employees of the Board involved in financial transactions shall execute a good and sufficient surety bond issued by a surety company authorized to do business in this state, in an amount fixed by the Governing Board of the Harvey-Marion County CDDO which shall not be less than the amount of money such person will be responsible for at any one time.

**Section 7.** The Board of Harvey County Commissioners and/or the Board of Marion County Commissioners or their designees may examine the financial, audit, and other records of the Harvey-Marion County CDDO upon request. The Harvey-Marion County CDDO shall have an annual audit completed by an independent, certified public accounting firm.

**Section 8.** The Governing Body of the Harvey-Marion County CDDO may issue debt only if approved by both the Board of Harvey County Commissioners and the Board of Marion County Commissioners.

**Section 9.** The Governing Body of the Harvey-Marion County CDDO shall be responsible for obtaining insurance coverage for the Harvey-Marion county CDDO.

**Section 10.** The Governing Body of the Harvey-Marion County CDDO may enter into contracts on behalf of the Harvey-Marion County CDDO.

**Section 11.** The meetings and records of the Harvey-Marion County CDDO shall be subject to the Kansas Open Meeting laws and the Kansas Open Records Act.

**Section 12.** The Governing Board of the Harvey-Marion County CDDO shall have the necessary responsibilities, powers and oversight to ensure efficient delivery of quality services to the developmentally disabled residents of Harvey and Marion Counties.

**Section 13.** Harvey County Joint Resolution No. 2007-12 and Marion County Joint Resolution No. 2007-07 is hereby repealed.

**Section 14.** This Resolution shall be effective upon passage and adoption by the Board of Harvey County Commissioners, and the Board of Marion County Commissioners.

PASSED AND ADOPTED by the Board of Harvey County Commissioners this 31st day of August, 2009.



Board of Harvey County Commissioners

*Marge Roberson*  
\_\_\_\_\_  
Marge Roberson, Chairperson

*George A. Westfall*  
\_\_\_\_\_  
George A. Westfall, Member

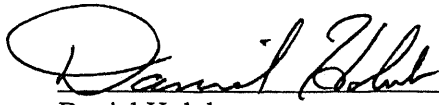
ATTEST:

*Joyce Truskett*  
\_\_\_\_\_  
Joyce Truskett  
Harvey County Clerk

*Ron Krehbiel*  
\_\_\_\_\_  
Ron Krehbiel, Member

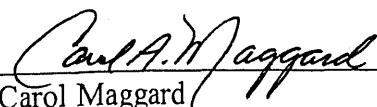
PASSED AND ADOPTED by the Board of Marion County Commissioners this 8th  
day of September, 2009.

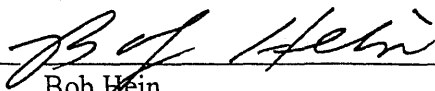
Board of Marion County Commissioners

  
\_\_\_\_\_  
Daniel Holub

  
\_\_\_\_\_  
Randy Dallke

ATTEST:

  
\_\_\_\_\_  
Carol Maggard  
Marion County Clerk

  
\_\_\_\_\_  
Bob Hein

**JOINT RESOLUTION  
HARVEY COUNTY NO. 2007 –12  
MARION COUNTY NO.**

**A JOINT RESOLUTION ESTABLISHING THE HARVEY-MARION COUNTY COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION ORGANIZED AND OPERATED IN ACCORDANCE WITH THE DEVELOPMENTAL DISABILITIES REFORM ACT AND ARTICLE 64 OF THE KANSAS ADMINISTRATIVE REGULATIONS, AND SUBJECT TO APPROVAL BY THE STATE OF KANSAS COMMISSIONER OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, THE HARVEY AND MARION COUNTY COMMISSIONERS ASSIGN AND DELEGATE RESPONSIBILITIES AND POWERS TO THE HARVEY-MARION COUNTY COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION.**

WHEREAS, the Harvey and Marion County Commissions have determined the Community Developmental Disability Organization in both counties should be separate from any Developmental Disability Community Service Provider due to the possibility of conflicts of interest, and;

WHEREAS, the Harvey and Marion County Commissions wish to establish a new Community Developmental Disability Organization organized and operated in accordance with the Developmental Disability Reform Act and Article 64 of the Kansas Administrative Regulations, and subject to approval by the State of Kansas Commissioner of Mental Health and Developmental Disabilities, and;

WHEREAS, the Harvey and Marion County Commissions wish to combine resources to establish and operate this new Community Developmental Disability Organization, and;

WHEREAS, the Harvey and Marion County Commissions wish to delegate responsibilities and powers to this new Community Developmental Disability Organization, yet maintain oversight and public openness of the new organization,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF HARVEY COUNTY COMMISSIONERS, HARVEY COUNTY, KANSAS AND THE BOARD OF MARION COUNTY COMMISSIONERS, MARION COUNTY, KANSAS THAT;**

**Section 1.** A new Community Developmental Disability Organization shall be organized and operated in accordance with the Developmental Disabilities Reform Act and Article 64 of the Kansas Administrative Regulations, and subject to approval by the State of Kansas Commissioner of Mental Health and Developmental Disabilities. This organization shall be named the Harvey-Marion County (CDDO) Community Developmental Disability Organization, and shall include a service territory of Harvey and Marion Counties.

**Section 2.** The members of the Harvey-Marion County CDDO governing board shall consist of nine members appointed by the Harvey and Marion County Commissioners on the second Monday of January or until a successor is appointed.

As per K.S.A 19-4002, Suppl., the Chairperson of each county shall appoint two persons to a selection committee, and the committee shall appoint the first governing board. Appointments to the first governing board shall be made after the selection committee meets. The governing board shall be comprised in the following manner:

- a) Two members shall be nominated by a qualified organization whose members are parents or guardians of developmentally disabled persons, or developmentally disabled persons in the two county area. To be considered a qualified organization, the parents or guardians of developmentally disabled persons in the, or the developmentally disabled persons in the two county area, must represent at least ten percent of the total developmentally disabled persons in Harvey and Marion Counties receiving services from the Harvey-Marion County CDDO through an affiliated service provider. If more than one qualified organization exists, then each qualified organization shall nominate a member, and if more than two qualified organizations exist, then the nominations shall rotate. At least one of these two members nominated must be a parent of a developmentally disabled person, and the second member must be a parent or guardian of a developmentally disabled person, or a developmentally disabled person. The initial term for these two members shall be for three years, and successor terms shall be for three years.
- b) One member shall be nominated by the Community Developmental Disability Organization affiliates who represent licensed service providers providing residential services and/or day services to at least ten percent of the total developmentally disabled persons in Harvey and Marion Counties receiving residential and/or day services. All other Community Developmental Disability Organization affiliates not included in the previous section shall nominate a second member. The initial terms for these two members shall be for two years, and successor terms shall be for three years.
- c) The Board of Harvey County Commissioners shall appoint two members who are residents of Harvey County to the Harvey-Marion County CDDO governing board. The initial term for both members shall be for one year, and successor terms shall be for three years.
- d) The Board of Marion County Commissioners shall appoint two members who are residents of Marion County to the Harvey-Marion County CDDO governing board. The initial term for one member shall be for one year, and successor shall be for three years, and a second member shall hold an initial term for two years and successor terms shall be for three years.
- e) The Boards of Harvey and Marion County Commissioners shall jointly appoint one person who is a resident of Harvey or Marion Counties to the Harvey-Marion County CDDO governing board. The initial term shall be for three years, and successor terms shall be three years.

**Section 3.** Any member of the Harvey-Marion County CDDO governing board shall only be allowed to serve on the governing board a maximum of two complete three year terms. A minimum of three years must elapse after the member has served two complete three year terms before the member is eligible to again be a member of the governing body of the Harvey-Marion County CDDO.

**Section 4.** The Governing Board of the Harvey-Marion County CDDO may establish by-laws, policies, and rules for operating the Harvey-Marion County CDDO.

**Section 5.** The Governing Board of the Harvey-Marion County CDDO shall hire and fire all employees, or delegate the hiring and firing of employees to a Director or other such designated personnel. The Governing Board of the Harvey-Marion County CDDO shall establish compensation for all employees. The Governing Board of the Harvey-Marion County CDDO shall approve all personnel policies and benefits for the Harvey-Marion County CDDO.

**Section 6.** The Governing Board of the Harvey-Marion County CDDO shall pay all invoices, estimate an annual budget, and maintain all financial records for the Harvey – Marion County CDDO. The members or employees of the Board involved in financial transactions shall execute a good and sufficient surety bond issued by a surety company authorized to do business in this state, in an amount fixed by the Governing Board of the Harvey-Marion County CDDO which shall not be less than the amount of money such person will be responsible for at any one time.

**Section 7.** The Board of Harvey County Commissioners and/or the Board of Marion County Commissioners or their designees may examine the financial, audit, and other records of the Harvey-Marion County CDDO upon request. The Harvey-Marion County CDDO shall have an annual audit completed by an independent, certified public accounting firm.

**Section 8.** The Governing Body of the Harvey-Marion County CDDO may issue debt only if approved by both the Board of Harvey County Commissioners and the Board of Marion County Commissioners.

**Section 9.** The Governing Body of the Harvey-Marion County CDDO shall be responsible for obtaining insurance coverage for the Harvey-Marion county CDDO.

**Section 10.** The Governing Body of the Harvey-Marion County CDDO may enter into contracts on behalf of the Harvey-Marion County CDDO.

**Section 11.** The meetings and records of the Harvey-Marion County CDDO shall be subject to the Kansas Open Meeting laws and the Kansas Open Records Act.

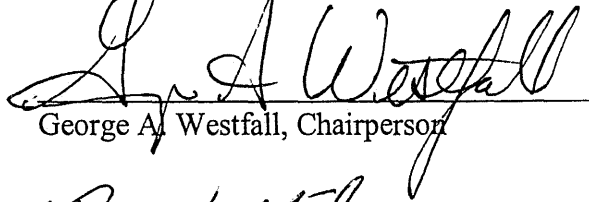
**Section 12.** The Governing Board of the Harvey-Marion County CDDO shall have the necessary responsibilities, powers and oversight to ensure efficient delivery of quality services to the developmentally disabled residents of Harvey and Marion Counties.

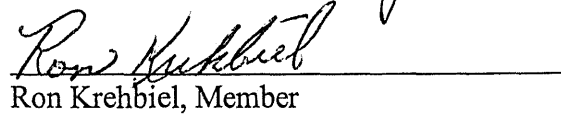
**Section 13.** This Resolution shall be effective upon passage and adoption by the Board of Harvey County Commissioners, and the Board of Marion County Commissioners.



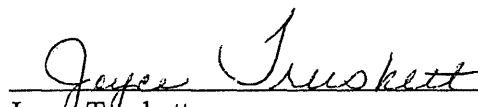
PASSED AND ADOPTED by the Board of Harvey County Commissioners this 26  
day of March, 2007.

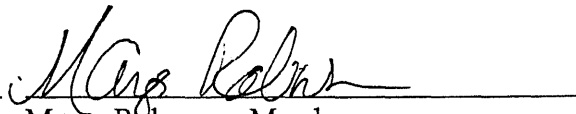
Board of Harvey County Commissioners

  
George A. Westfall, Chairperson

  
Ron Krehbiel, Member

ATTEST:

  
Joyce Truskett  
Harvey County Clerk

  
Marge Roberson, Member

PASSED AND ADOPTED by the Board of Marion County Commissioners this 26th  
day of March, 2007.

Board of Marion County Commissioners

Bob Hein  
Bob Hein

Daniel Holub  
Daniel Holub

ATTEST:

Carol A. Maggard  
Carol Maggard  
Marion County Clerk

Randy Dallke  
Randy Dallke