

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:5-1-01

Rule Type: Amendment

Rule Title/Tagline: Regional prevention councils operation and regional prevention council member duties.

Agency Name: Department of Job and Family Services

Division: Children's Trust Fund

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 4/1/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3109.16, 3109.179
5. **What statute(s) does the rule implement or amplify?** 3109.172, 3109.174
6. **What are the reasons for proposing the rule?**

Five year rule review.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Removed parts of the rule which are duplicative of section 3109.179 of the Revised Code, including the duties and structure of a regional prevention council, officers and their duties, compensation of council members, and workgroups.

Additionally, the amended rule removes language that is obsolete and/or unenforceable, including the required adoption of Robert's Rules of Order (2011), the process for minutes and agenda, the involvement of council members with acquiring county level data, and an attendance rule. The Robert's Rules of Order is an obsolete requirement removing the local control of the council chair to regulate the councils in accordance with council-preferred operations. The processes for minutes and agenda are contract language included in the OCTF's agreement with the Regional Coordinating Entities and are unnecessarily placed within the Ohio Administrative Code. The involvement of council members with acquiring county level data is obsolete as the OCTF created a Data Dashboard responsible for this and council member involvement is no longer required. The attendance requirement is removed as obsolete and unenforceable as the rule is applicable concurrently with council term limits. The requirement that councils must work within the OCTF online system is removed as the online system does not exist.

The requirements pertaining to council meetings and notices, the council's duty to engage the prevention plan, to serve on at least one workgroup, and to assist with the needs assessment are retained as applicable and relevant regulations.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? No**

- 17. Does this rule have an adverse impact on business? No**

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 18

new A4-- When a question of parliamentary procedure arises, the most current edition of "Robert's Rules of Order" (2011) shall be followed as a guide for the proceedings of the council.

new A5-- The minutes shall be the record of the proceedings of the council.

new A5a-- The minutes, at a minimum, shall provide a record of the council members present and any votes taken.

new A5b-- Draft copies of the written minutes shall be circulated to the council in advance of each meeting

new A5c-- After approval, the approved version shall be retained for a period of seven years by the regional prevention coordinator of each council.

new A6-- The agenda shall be sent to each council member prior to the meeting. Each requests it.

new B1b--Serves as a nonvoting member of the council. The chairperson shall be the voice of the council and shall preside at all council meetings.

new B3--Under the direction of the chairperson, a staff member designated by the regional prevention coordinator shall keep the minutes of council proceedings

new B4--Other officers of the council shall include the chairpersons of workgroups who are designated by the council.

old D1-- In conducting its business and fulfilling its duties pursuant to sections 3109.172, 3109.174 and 3109.178 of the Revised Code, each child abuse and child neglect regional prevention council, as defined in section 3109.171 of the Revised

Code, shall create the following workgroups at its initial meeting or within two months thereafter:

old D1a1--Shall examine existing child abuse and child neglect prevention month activities, programs and/or events,

old D1a1i--Shall then recommend to the full council specific child abuse and child neglect prevention month activities, programs and/or events to be considered for inclusion in the regional prevention plan that each child abuse and child neglect regional prevention council submits to the OCTF board pursuant to section 3109.174 of the Revised Code.

old D3-- Council members shall self-select into workgroups. Workgroup members may include non-council members such as experts in a particular field whose knowledge may assist the workgroup in the completion of its assigned duties.

old D5-- Council members shall self-select into and councils shall designate chairpersons for the workgroups created under paragraphs (D)(1)(a), (D)(1)(b) and (D)(1)(c) of this rule at the council's initial meeting or within two months thereafter.

old D6-- The council chairperson shall ensure that a sufficient number of council members self-select into each workgroup so as to facilitate each workgroup's completion of its assigned tasks.

old D7d-- The coordinator shall also keep minutes of all workgroup meetings.

G- Pursuant to division (I)(2) of section 3109.172 of the Revised Code and paragraph (F) of this rule, assisting the regional prevention coordinator in conducting needs assessments shall include, but not be limited to, the acquisition of county level data.

H-- Service on regional prevention councils is voluntary and council members shall not receive compensation for their service to the council.