

## **INTERLOCAL AGREEMENT**

### **INTRODUCTION**

On September 1, 1997, Bluebonnet Trails Community Mental Health and Mental Retardation Center was created by the authority granted under the Texas Health and Safety Code, Chapter 534, Subchapter A (Mental Health and Mental Retardation Act). On that date, the new organization, created by the commissioners' courts of Bastrop, Burnet, Caldwell, Fayette, Lee and Williamson counties, assumed the responsibility of ensuring the provision of publicly funded mental health and mental retardation services in the service area.

More recently, at the request of the commissioners' courts of Guadalupe and Gonzales counties, Bluebonnet Trails Community MHMR Center has been asked to consider expanding its service area to include the two additional counties. Currently, services are provided in Guadalupe and Gonzales counties by Camino Real State Operated Community Services, which is scheduled to cease operation as a state entity by September 1, 2000.

The commissioners' courts of Guadalupe and Gonzales counties, as well as the commissioners' courts of all six counties currently served by Bluebonnet Trails, passed resolutions supporting the expansion of the Bluebonnet Trails service area to include Gonzales and Guadalupe counties. Based on the resolutions passed by all eight commissioners' courts, the Board of Trustees of Bluebonnet Trails MHMR Center notified Texas Department of Mental Health and Mental Retardation (TDMHMR) of its willingness to expand its service area to include Guadalupe and Gonzales counties. Written permission was received from Commissioner Karen Hale for Bluebonnet Trails to proceed with a modification of its service plan to include the two additional counties. Contingent on approval by TDMHMR Board, Bluebonnet Trails Community MHMR Center will become the mental health and mental retardation authority for Guadalupe and Gonzales counties effective September 1, 2000.

### **STATE OF TEXAS**

**COUNTIES of BASROP, BURNET, CALDWELL, FAYETTE, GONZALES,  
GUADALUPE, LEE and WILLIAMSON**

### **AGREEMENT**

Pursuant to authority contained in the Texas Government Code Chapter 791, (Texas Interlocal Cooperation Act); the Texas Health and Safety Code (THSC), Chapter 534, Subchapter A (Mental Health and Mental Retardation Act); and the Texas Administrative Code, Title 25, Part II, Chapter 401, Subchapter G (Rules Governing Community MHMR Centers); the Bastrop County Commissioners' Court (hereinafter referred to as Bastrop); the Burnet County Commissioners' Court (hereinafter referred to as Burnet); the Caldwell County Commissioners' Court (hereinafter referred to as

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Caldwell); the Fayette County Commissioners' Court (hereinafter referred to as Fayette); the Gonzales County Commissioners' Court (hereinafter referred to as Gonzales); the Guadalupe County Commissioners' Court (hereinafter referred to as Guadalupe); the Lee County Commissioners' Court (hereinafter referred to as Lee); and the Williamson County Commissioners' Court (hereinafter referred to as Williamson), agree as follows:

WHEREAS, Texas Department of Mental Health and Mental Retardation has a stated goal for the conversion of State-Operated Community MHMR Services into a new community center or to be consolidated into an existing community center; and

WHEREAS, Bastrop, Burnet, Caldwell, Fayette, Lee and Williamson have, heretofore, entered into and have been a part of Bluebonnet Trails Community MHMR Center, pursuant to the Texas Mental Health and Mental Retardation Act; and

WHEREAS, Gonzales and Guadalupe desire to have mental health and mental retardation services provided through Bluebonnet Trails Community MHMR Center;

Now, THEREFORE, pursuant to Texas Administrative Code, Title 25, Part II, Chapter 401, Subchapter G., Section 441.447, and in consideration of the mutual covenants contained herein, the parties agree as follows:

- The purpose of this agreement is to establish a unified delivery system for mental health and mental retardation services in Bastrop, Burnet, Caldwell, Fayette, Gonzales, Guadalupe, Lee and Williamson counties, which is to be characterized by a single governing body and administrative structure to aspire to ensure equal or higher quality of care and services as have been provided heretofore.
- The governing body shall be a Board of Trustees (hereinafter referred to as Board) for the Mental Health and Mental Retardation Center and shall be composed of eight (8) members. Each of the eight counties will appoint one (1) board member. The terms and appointments of board members appointed by the original six counties will not be impacted. Gonzales and Guadalupe will each appoint one (1) new board member to the existing Board.
- Appointments to the Board will be for a period of two (2) years. Any appointment to fill unexpired terms shall be for the remainder of the unexpired term, or until a successor is appointed. At least sixty (60) days prior to the termination of a board member's two-year term, the Executive Director of



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Bluebonnet Trails shall notify the appropriate commissioners' court of the impending expiration date. The commissioners' court may then choose to either reappoint the board member or appoint someone else. The county judge and/or commissioners' court will review all applications for membership to the Board of Trustees, select the applicant and will recommend the applicant for appointment. Applicants recommended for appointment from each county will be presented to the respective county commissioners' court by the county judge. The commissioners' court will approve or disapprove a prospective applicant by a simple majority. Action taken will be in accordance with the Texas Open Meeting Act. In the event of disapproval, the county judge and/or commissioners' court will make another recommendation. Following approval, the county judge will notify the appointed individual with a Letter of Appointment, which includes the effective date of the appointment, a general description of duties and a description of training requirements.

- To be considered as a potential appointee, each individual must be a qualified voter whose primary residence is in the region served by Bluebonnet Trails [pursuant to 534.003(b) and 534.0065(c) Texas Health and Safety Code (THSC)] and meet eligibility qualifications prohibiting appointment if the individual, or individual's spouse [per 534.0065(b) THSC] owns or controls, directly or indirectly, more than 10% interest in a business entity or organization receiving funds from the community center or uses or receives a substantial amount of tangible goods or funds from the community center, other than compensation or reimbursement authorized by law for Board of Trustees, membership, attendance or expenses; or as a consumer or family member of a consumer receiving services from the community center.
- To be qualified as a trustee, each appointee shall attend appropriate pre-assumption of office training [per 534.006 THSC], execute an affidavit acknowledging the reading of the requirements, conflict of interest and removal [per 534.0065(f) THSC], subscribe to (execute) the Statement of Appointed Officer and file such for record pursuant to the requirements of the Texas Secretary of State [per Texas Constitution Article XVI 1(d)]; and take the Oath (Affirmation) of Office after executing the Statement of Appointed Officer [per Texas Constitution Article XVI 1(c)].
- To remain in office, each trustee must comply with the Board of TDMHMR rules concerning Board of Trustees annual training [per 534.006 THSC]; annually execute and file with the community center, not later than the anniversary date of taking office, an affidavit acknowledging the reading of the requirements for qualification, conflict of interest and removal [per 534.0065(f) THSC] and disclose any conflicts of interest in accordance with Chapter 171 Local Government Code [per 534.0065(d) THSC]; must not refer for services a consumer to a business entity owned or controlled by a trustee,

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unless the entity is the only entity that provides the needed services within the jurisdiction of the community center; use a community center facility in the conduct of a business entity owned or controlled by that trustee; solicit, accept, or agree to accept, a benefit in exchange for the trustee's decision, opinion, recommendation, vote or other exercise of discretion as a local public official or for a violation of a duty imposed by law; receive any benefit for the referral of a consumer to the community center or other business entity; appoint, vote for or confirm the appointment to a paid office or position within the community center if the person is related to the trustee by affinity within the second degree or by consanguinity within the third degree; (or violate nepotism prohibitions concerning hiring of relatives of trustees by the community center [as stated in 534.0115 THSC]; or solicit or receive a political contribution from a supplier or a contractor with the community center.

- A board member may resign by submitting his/her written resignation to the Chairman of the Board of Trustees of Bluebonnet Trails and to the appropriate county commissioners' court. A resignation shall be effective as of the date of the submission.
- Removal of a trustee from office will be in accordance with 534.0065(g) THSC.

BE IT FURTHER AGREED that the respective commissioners' courts believe that a eight-county mental health and mental retardation center will enhance and improve regional service delivery while maximizing efficiency and effectiveness of the expenditures incurred.



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Ronnie McDonald  
 Ronnie McDonald, County Judge  
 Date: 1-13-00

## ATTEST:

Shirley Hickum  
 (Signature) County Clerk  
 Date: January 19, 2000

**BURNET COUNTY**

Martin McLean  
 Martin McLean, County Judge  
 Date: 1-25-00

## ATTEST:

Janet Parker  
 (Signature) County Clerk  
 Date: 1-25-2000

**CALDWELL COUNTY**

H. T. Wright  
 H. T. Wright, County Judge  
 Date: 1-31-2000

## ATTEST:

Nina L. Sells  
 (Signature) County Clerk  
 Date: 1-31-2000

**FAYETTE COUNTY**

Edward F. (Ed) Janiecka  
 Edward F. (Ed) Janiecka, County Judge  
 Date: 02-4-2000

## ATTEST:

Carol Kubo Roberts  
 (Signature) County Clerk  
 Date: 2-4-2000

**GONZALES COUNTY**

David Bird  
 David Bird, County Judge  
 Date: 2-16-00

## ATTEST:

See Riedel  
 (Signature) County Clerk  
 Date: 2-16-00

**GUADALUPE COUNTY**

James E. Sagebiel  
 James E. Sagebiel, County Judge  
 Date: 2-22-00

## ATTEST:

Lizzie M. Loring  
 (Signature) County Clerk  
 Date: 2-22-00

**LEE COUNTY**

Robert B. Lee  
 Robert B. Lee, County Judge  
 Date: 12-17-99

## ATTEST:

Carol Dismukes By Doni Becker  
 (Signature) County Clerk DEPUTY  
 Date: 12-17-99

**WILLIAMSON COUNTY**

John C. Doerfler  
 John C. Doerfler, County Judge  
 Date: 2-9-00

## ATTEST:

Denise E. Rister  
 (Signature) County Clerk  
 Date: 2-10-2000