

AGREEMENT FOR
REGION 4 BEHAVIORAL HEALTH SYSTEM
UNDER THE
INTERLOCAL COOPERATION ACT
STATE OF NEBRASKA

This agreement is made and entered into pursuant to the Interlocal Cooperation Act set forth in Chapter 13, Article 8, Revised Statutes of Nebraska, 1943 as amended by and between the counties of Antelope, Boone, Boyd, Brown, Burt, Cedar, Cherry, Colfax, Cuming, Dakota, Dixon, Holt, Keya Paha, Knox, Madison, Nance, Pierce, Platte, Rock, Stanton, Thurston and Wayne and all being governmental subdivisions of the State of Nebraska.

I. DEFINITIONS

1. REGION 4 shall be defined and herein referred to as the counties of Antelope, Boone, Boyd, Brown, Burt, Cedar, Cherry, Colfax, Cuming, Dakota, Dixon, Holt, Keya Paha, Knox, Madison, Nance, Pierce, Platte, Rock, Stanton, Thurston and Wayne.
2. REGION 4 BEHAVIORAL HEALTH SYSTEM shall refer to the organization that began its existence on July 1, 1974 and was formed in accordance with this Agreement to ensure that mental health and substance abuse services are available to the residents of said counties.
3. INTERLOCAL COOPERATION ACT shall refer to the act set forth in Sections 13-801 to 13-827 inclusive, R.R.S. Nebraska as amended.
4. GOVERNING BOARD shall refer to the Governing Board of REGION 4 BEHAVIORAL HEALTH SYSTEM.
5. ADVISORY COMMITTEE shall refer to the Behavioral Health Advisory Committee as appointed by the GOVERNING BOARD.
6. COUNTIES shall refer to those counties signatory to this Agreement and who have duly executed it by an appropriate resolution.
7. REGIONAL PROGRAM ADMINISTRATOR shall refer to the chief executive officer of

REGION 4 BEHAVIORAL HEALTH SYSTEM as appointed by the Regional GOVERNING BOARD.

8. THE COMMUNITY MENTAL HEALTH SERVICES ACT shall refer to the COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES ACT, 1974, LB 302, codified in part at Neb. Rev. Stat. 71-5001 to 71-5014 as amended.
9. REGION 4 BEHAVIORAL HEALTH SYSTEM NETWORK shall refer to the compilation of agencies that have been enrolled as behavioral health providers and are under contract to provide services for REGION 4 BEHAVIORAL HEALTH SYSTEM.
10. SERVICES shall refer to those Mental Illness and Substance Use Disorder programs, facilities and services provided through contractual relationships between agencies and the Regional GOVERNING BOARD for REGION 4 BEHAVIORAL HEALTH SYSTEM or provided directly under the auspices of the Regional Governing Board for Region 4 Behavioral Health System. These shall include, but not be limited to:
 - (a) Residential Services
 - (b) Outpatient Services
 - (c) Psychosocial Rehabilitation and Support Services
 - (d) Emergency Services
 - (e) Prevention Services
 - (f) Intensive Service Coordination and Wraparound Services
 - (g) Specialized Children's Mental Health Services
 - (h) Specialized Services as Federal Legislation May Require
 - (i) Other forms of preventative, treatment or rehabilitation services, which are designed to promote, restore, and maintain the mental health of the people of REGION 4.

II. SCOPE AND PURPOSE

All parties to this Agreement shall agree to the following:

1. That REGION 4 BEHAVIORAL HEALTH SYSTEM should be a separate agency, sufficient in ability and authority to provide SERVICES and administrative supervision and funding for the SERVICES provided by the contracting agencies within the REGION 4 BEHAVIORAL HEALTH SYSTEM NETWORK.
2. That REGION 4 BEHAVIORAL HEALTH SYSTEM shall be a political subdivision of the State of Nebraska operated and maintained by the counties within REGION 4 in accordance with the INTERLOCAL COOPERATION ACT and this Agreement.

III. INTERLOCAL COOPERATION AGREEMENT

1. REGION 4 BEHAVIORAL HEALTH SYSTEM shall have perpetual duration.
2. The GOVERNMENT of REGION 4 BEHAVIORAL HEALTH SYSTEM shall be vested in a GOVERNING BOARD to be selected as follows: The respective County Boards of the participating counties shall appoint one representative from their County Board. Terms of the Regional GOVERNING BOARD members shall be of twelve-month duration with appointment taking place in January of each year.
3. REGION 4 BEHAVIORAL HEALTH SERVICES may exercise and enjoy all of the powers, privileges, authority conferred by the INTERLOCAL COOPERATION ACT, which shall include, but not be limited to: appropriating funds, maintaining and operating programs (by leasing or selling property), contracting for services, providing behavioral health services, hiring personnel, making necessary lawful financing arrangements, and establishing and maintaining and annual Plan of Expenditures.
4. REGION 4 BEHAVIORAL HEALTH SYSTEM shall be financed through the combination

of Federal, state, county funds and first and third party payer sources. Federal and state funds are contracted for with the Department of Health and Human Services, Division of Health and Well-Being. Each of the counties shall contribute financial support through a formula adopted by majority vote of the GOVERNING BOARD. At the beginning of each fiscal year participating counties certify through signed resolution that they will provide the required county match funds to REGION 4 BEHAVIORAL HEALTH SYSTEM.

5. The GOVERNING BOARD shall appoint a REGIONAL PROGRAM ADMINISTRATOR and determine the powers thereof. The REGIONAL PROGRAM ADMINISTRATOR shall account for all sources and expenditures of funds and maintenance of expected levels of services and shall prepare a proposed Plan of Expenditures for the GOVERNING BOARD prior to each fiscal year. Following the approval of budgetary requests by the GOVERNING BOARD, the REGIONAL PROGRAM ADMINISTRATOR shall submit the Plan of Expenditures each year to the Nebraska Department of Health and Human Services, Division of Health and Well-Being.
6. The GOVERNING BOARD shall make by-laws specifying frequency of meetings, method of call meetings, election and powers of officers, method of handling funds and other such matters deemed necessary.
7. Meetings of the GOVERNING BOARD shall be governed by the Open Meetings Law and conducted in accordance with Robert's Rules of Order.
8. The GOVERNING BOARD shall appoint an ADVISORY COMMITTEE which is representative of all counties in the region and which shall include one or more members of the GOVERNING BOARD, and the remaining members as specified in the by-laws including one or more behavioral health professionals, one or more employee representatives, and one or more representatives of behavioral health organizations or

associations. The majority must be consumers who do not receive more than one-tenth of their income from the Department of Health and Human Services, Division of Health and Well-Being.

9. The GOVERNING BOARD shall have the authority and power to appoint other individuals and other committees as necessary to perform functions on behalf of the GOVERNING BOARD. Appointed individuals and committees may, but need not be, members of the GOVERNING BOARD or the ADVISORY COMMITTEE.
10. Any participating county may withdraw from this Agreement at the end of a fiscal year after taking appropriate action by resolution or otherwise pursuant to law of the governing body of the participating county and then notifying the GOVERNING BOARD prior to 60 days ahead of the end of the fiscal year. In the event that a county withdraws from this Agreement said county shall be responsible for the full payment of mental health, alcoholism and drug abuse services under the authority of the GOVERNING BOARD that are provided to residents of the non-participating county. The non-participating county shall be allowed to have a representative member of its COUNTY BOARD attend GOVERNING BOARD meetings, however said representative will not have voting rights.
11. Neither REGION 4 BEHAVIORAL HEALTH SYSTEM or the GOVERNING BOARD shall have the authority to levy, collect or account for any tax authorized under the INTERLOCAL COOPERATION ACT.
12. In the event of termination of this Agreement, property of REGION 4 BEHAVIORAL HEALTH SYSTEM shall be disposed of on a pro-rated basis figured on the contributions of the participating counties during the most recent five complete or partial fiscal years prior to the termination of this Agreement.

IV. EXECUTION

Appropriate action by resolution or otherwise pursuant to the law of the Governing Body of each of the participating counties has been taken before each county has entered into this Agreement.

All provisions herein contained shall apply to each of the participating counties and should any of the counties herein enumerated elect not to execute this Agreement, it shall not invalidate the Agreement; and the definition of REGION 4 will continue to include such counties, but they will not be included on the GOVERNING BOARD or otherwise participate in the government of the REGION 4 BEHAVIORAL HEALTH SYSTEM.

This Agreement will be executed in counterparts, all of which together shall constitute one voluntary Agreement for the execution of the services of REGION 4 BEHAVIORAL HEALTH SYSTEM.

RESOLUTION 2021-3

Whereas, LB302 passed by the 1974 Legislature of the State of Nebraska created the Nebraska Comprehensive Community Mental Health Services Act forming Regional Mental Health authorities.

Whereas, ROCK County, Nebraska does participate in said Region 4 Behavioral Health System, the designated regional mental health authority within northeast Nebraska.

Be it therefore resolved that the Chairperson of the ROCK County Board of Commissioners/Supervisors be and hereby is authorized to enter into an agreement for the participation in Region 4 Behavioral Health System under the Interlocal Cooperation Act of the State of Nebraska.

Passed and approved this 19th day of January, 2020. 2021

ROCK COUNTY BOARD OF
COMMISSIONERS/SUPERVISORS

Jim L. Stout
Chairperson

ATTEST:

Whitney Buoy
County Clerk

