

HUMAN RESOURCES DEPARTMENT
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Date: October 9, 2008

To: C. Ray Wierson, County Administrator

From: Mary J. Thee, Human Resources Director/Asst. County Administrator

Subject: Scott County Kids 28E Agreement

In 1995 Scott County entered into a 28E agreement with Iowa Department of Human Services (DHS), Iowa Department of Public Health, Seventh Judicial District, Davenport School District and Pleasant Valley School District to create the Decategorization Program. Since that time the agreement has evolved to include all school districts and no longer includes the state Department of Public Health. Pat Hendrickson served as the long-time chair of the Governing Board. As her retirement was anticipated we reviewed the agreement to look at the succession for the Chairperson. It was discovered that the agreement was quite outdated. Therefore, a subcommittee was formed by Scott County Kids (SCK) Director Marcy Mendenhall to review and update the agreement.

The agreement was redraft to include more mission language, address the change in Board leadership, clarify voting rights of Board members, address quorum requirements, clarify staff's responsibilities, include compliance with open meetings and records laws, and include participation of all public school districts. The attached agreement has been approved by the legal counsel for the school boards. On October 6, 2008 the agreement was approved by the SCK/DeCat Board and is being forward to the other Member Entities, including the Board of Supervisors, for final approval. Each Member Entity (such as Scott County) can appoint up to four designated representatives to the Board. Currently Scott County's representatives are the County Administrator, Health Director, Community Services Director or their designees.

Amended and Restated 28E Agreement of the Scott County Decategorization Program

This Amended and Restated 28E Agreement ("Agreement") is made and entered into by the undersigned parties on the respective dates listed below in order to amend the Articles of Agreement controlling the Scott County Decategorization Program, a program created and organized to provide comprehensive and coordinated planning, development, oversight, and implementation of services for Scott County children and families. Each party to this Agreement retains its designated power to determine which of its responsibilities and programs are independently retained and which are to become part of the Scott County Decategorization Program. Any party designating responsibilities and/or programs to the Scott County Decategorization Program must do so by a written agreement submitted to the Governing Board.

Article I Initiation and Duration

1. This Agreement hereby governs the Scott County Decategorization Program.
2. The Scott County Decategorization Program encompasses and serves the residents of Scott County.
3. The time length of the Scott County Decategorization Program is of indefinite duration.

Article II Authority

This Agreement is entered into by the undersigned parties pursuant to Chapter 28E of the Iowa Code.

Article III Purpose and Objectives

The purpose and objectives of the Scott County Decategorization Program shall be:

1. To redirect child welfare and juvenile justice funding to services that are more preventative, family centered, and community-based in order to reduce use of restrictive approaches that rely upon institutional, out-of-home, and out-of-community services.
2. To provide a resource organization to facilitate community health planning, coordination, and evaluation of children and family services.
3. To provide a medium for the collection and exchange of data necessary for the appropriate delivery of services as herein provided.
4. To provide continuing organizational functions for ensuring effective communication and coordination among the community, agencies and local governments.
5. To foster, develop, and review policies, plans, and priorities for the coordination, development, and implementation of children and family services.

6. To provide general and technical assistance to area agencies and local governments in order to promote and accomplish approved agreements and plans.
7. To review and coordinate Federal, State, and local programs in order to facilitate the procurement and leveraging of government funding and grant proceeds.
8. To promote public awareness of the needs of children and families.
9. To assure all children and families in Scott County, having need of services from more than one service provider, will be able to access those services, while minimizing duplication and fragmentation.
10. To partner with community stakeholders to develop service alternatives that provide less restrictive levels of care for children and families receiving services from child welfare and juvenile justice systems.
11. To undertake other duties and responsibilities consistent with the purposes and objectives deemed appropriate by the Governing Board.

Article IV Governing Board

The Governing Board (hereinafter referred to as the "Board") shall administer and govern the Scott County Decategorization Program. The Board shall consist of up to four designated representatives ("Board Members") from each of the following Member Entities:

1. Iowa Department of Human Services;
2. Scott County Government;
3. Scott County Public School Districts; and
4. Seventh Judicial District.

Each Member Entity shall identify its Board Member(s) at the annual meeting. The Board Members shall elect a Chairperson and Vice-chairperson at the annual meeting. The term of the Chairperson shall be for two (2) years. A Chairperson shall not serve more than three (3) consecutive terms.

The Board is a governmental body for the purposes of Chapter 21, Iowa Code.

Article V Operations

The Board shall retain administrative oversight and policymaking responsibilities for the Scott County Decategorization Program.

1. The Board shall meet bi-monthly at a place conducive to public meetings and comply with the state open meetings law. The Chairperson may call a special meeting as deemed necessary and is obligated to do so upon the request of two or more Board Members representing at least two Member Entities.
2. The Board shall coordinate the Scott County Decategorization Program's planning and budgeting activities.

3. Each Board Member shall have one vote on agenda items unless noted otherwise in the Bylaws.
4. A quorum shall consist of Board Members representing at least three Member Entities.
5. A vote of a majority of quorum is necessary for passing a motion, with the exception that a particular Member Entity having the mandated responsibility for a particular program has the exclusive power to veto Board action relative to such program.
6. The Board shall have the authority to enter into contractual agreements and accept, receive, and expend funds, grants, and services from the Federal, State or local governments, and their agencies and/or departments, and private organizations, independent agencies, corporations, and individuals.
7. Unless otherwise specified by the Board's bylaws, meetings shall be conducted in accordance with Robert's Rules of Order.

Article VI Staff

The Board shall have the authority to appoint and supervise an Executive Director upon the vote of three Member Entities. The Executive Director is authorized to employ such assistants and staff as approved in the operating budget. The Board shall review and approve the rules, regulations, and policies as established by the Executive Director for managing the Scott County Decategorization Program.

Article VII Fiscal Affairs

1. The Scott County Decategorization Program fiscal year shall be from July 1st to June 30th each year. An annual meeting will be held in June of each year.
2. An operating budget for the Scott County Decategorization Program shall be submitted and approved by the Board annually. The operating budget shall include estimated income and expenditures for each fiscal year. Annual audits shall be undertaken and submitted to the Board for its review.
3. No party to this Agreement shall be independently assessed for indebtedness as may be incurred for Scott County Decategorization Program operations.
4. Financing for the Scott County Decategorization Program will be through, but not limited to: local, state, and federal allocated funds, grants, donations, fees, and service agreements.
5. The funding of projects shall be managed to provide flexible, individualized, family-centered, preventative, community based, comprehensive, and coordinated service systems for children and families in Scott County.
6. The Scott County Decategorization Program is a government body for purposes of Chapter 22, Iowa Code.

Article VIII
Severability

If any one or more of the provisions of this Agreement or the application thereof is held invalid, such invalidity shall not affect the other provisions or application of this agreement that can be given effect without invalid provisions or application, and to this end the provisions of this Agreement are declared to be severable.

This Agreement shall be controlled by and construed and interpreted under the laws of the State of Iowa.

Article IX
Effective Date

This Agreement shall become effective upon approval of the Member Entities noted by their signatures on the signatory lines below and thereafter shall be subject to automatic renewal unless terminated according to the provisions of Article X.

Article X
Termination

1. Any Member Entity may withdraw from the Agreement by giving written notice to the Board at least thirty (30) days in advance of the date of withdrawal.
2. Termination from this Agreement shall not relieve the withdrawing Member Entity of fiscal responsibility for allocations it had agreed to during the year in which the withdrawal occurs.
3. Notwithstanding the withdrawal of one (1) or more Member Entities, this Agreement and the Board established hereunder shall continue among the remaining parties. However, in the event all but one (1) Member Entity withdraws, the Agreement shall terminate automatically.
4. In the event the Scott County Decategorization Program is terminated, the material benefits realized from the liquidation of any and all of its assets shall be divided among the participating Member Entities on a pro rata share after any and all claims against the program have been satisfied. The pro rata share to which each of the Member Entities is entitled shall be calculated as the percentage of the net liquidation proceeds based on the percentage of the total general support funds the Member Entities have provided to the Scott County Decategorization Program since its inception compared with the sum of all general support funds provided by all participating Member Entities.

Article XI
Amendment

Prior to any vote to amend this Agreement, the proposed amendment must be submitted to the Scott County Public School Districts party to this Agreement. A majority of the School Boards must approve the amendment. If approved, the amendment must then be approved by a majority vote of Board Members. Any proposed amendment to this

Agreement shall be provided to the Board members at least thirty (30) days prior to the adoption by the Board.

IOWA DEPARTMENT OF HUMAN SERVICES

Date

Iowa Department of Human Services
By:

SCOTT COUNTY GOVERNMENT

Date

Scott County Government
By:

SEVENTH JUDICIAL DISTRICT

Date

Seventh Judicial District
By:

SCOTT COUNTY PUBLIC SCHOOL DISTRICTS

Date

Davenport Community School District
By:

Date

Pleasant Valley Comm. School District
By:

Date

Bettendorf Community School District
By:

Date

North Scott Community School District
By: