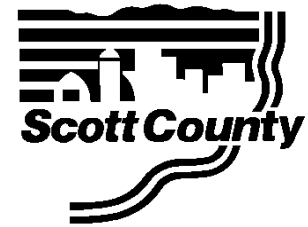


Community Services Department
600 W. 4th St.
Davenport, Iowa 52801



(563) 326-8723 Fax (563) 326-8730

March 27, 2017

TO: Mahesh Sharma

FROM: Lori A. Elam

RE: Amended 28E Agreement for Eastern Iowa MH/DS Region Chief Executive Officer (CEO) Position

When the Eastern Iowa MH/DS Region began operating on July 1, 2014, it was agreed that the CEO position would rotate with the Chair of the Governing Board. The rationale for this was to share in the CEO duties and costs and not increase the administrative costs. As the Region has matured, the Governing Board and Management Team identified the need for a dedicated CEO position in order to have a consistent voice at the State level and to accomplish several tasks required by the Region.

The Eastern Iowa Governing Board participated in a strategic planning session in August 2016 and the CEO position was an issue with both the Management Team and the Governing Board members. Over several months, the Management Team gathered information about the CEO positions across the state in other regions and presented it to the Governing Board. The Governing Board made the decision to appoint the CEO from a member of the Management Team and make them a “dedicated” CEO, no longer rotating the position with the Chair of the Governing Board.

The 28 Agreement was revised and reviewed by all five County Attorneys. The revised agreement spells out the appointment and supervision by the Governing Board members as well as the selection process and performance evaluation.

The Regional Governing Board was hoping to move forward with the amended agreement at the April 17, 2017 Governing Board meeting after all five counties approved the revisions.

ADDENDUM TO INTERGOVERNMENTAL (28E) AGREEMENT

FOR

EASTERN IOWA MENTAL HEALTH-DISABILITY SERVICES REGION

Pursuant to Section 8.1 of the articles of the 28E Agreement made and entered into the ___ day of _____, 2014 by and between Cedar County, Clinton County, Jackson County, Muscatine County and Scott County; collectively hereinafter referred to as “member counties”; as indicated by the actions of each having adopted this addendum by resolution of their respective governing bodies is hereby modified as follows:

4.5 Powers of the Governing Board. Except as otherwise provided in this Agreement, the Region shall be under the direction and control of the Board of Directors and the Chief Executive Officer. The Governing Board shall serve as the Regional Administrative Entity, as defined in Iowa Code Section 331.388(4). The Governing Board of Directors shall have all of the following powers:

- a) Any powers and authority granted to the Region by Iowa Code Chapter 28E or Iowa Code §331.388 et seq. to do and perform any acts authorized by the Code of Iowa, under, through or by means of its officers, agents and employees, or by contracts with any person or entity;
- b) To appoint and supervise a Chief Executive Officer upon the vote of four Directors of the Governing Board.
- c) To contract with any public or private entity to provide all necessary services;
- d) To authorize the acquisition, holding, disposal of, and leasing such real and personal property it deems necessary to fulfill the purposes of this Agreement;
- e) To receive and allocate funds from each member county as set forth in this Agreement;
- f) To accept, receive and administer grants or other funds or gifts for the purposes of carrying out the functions of this agreement; and to review and approve the expenditures of all funds budgeted;
- g) To approve an annual services and budget plan, including expenditures pursuant to Iowa Code Section 331.392(4)(a) for the following fiscal year beginning the next July 1;
- h) To establish a system of accounting and budgeting, and a system for receiving payments;
- i) To retain legal counsel, accountants and other professional individuals needed in order to fulfill the purposes of this Agreement;
- j) To sue and be sued;
- k) To make and enforce bylaws or rules and regulations for the management and operation of the Region’s business and affairs;

- l) To consult with representatives of Federal, State and local agencies and departments, and their officers and employees, and to contract with such agencies and departments;
- m) Act as oversight and hear any appeals of decisions made by the Regional Management Team;
- n) To establish the times and places for business meetings pursuant to Iowa Code Chapter 21 the agenda shall be posted in the building of the location of the meeting. Other counties may post in the same way they post agendas for their Board meetings for informational purposes. The minutes of the meetings shall be published in the Quad City Times. All meetings will be governed by Roberts Rules of Order, Revised unless otherwise provided; and
- o) To exercise any other power or do any other legal act necessary to discharge its obligations and fulfill the purposes of this Agreement.

The Board may delegate any of these powers to staff of the Region or staff of member counties serving the Region as the Board deems necessary. The Board may adopt such policies, rules, regulations and actions consistent with law or this Agreement.

6. STAFF

6.1 Selection Process for Chief Executive Officer

The Governing Board shall appoint an individual to serve “at will” as the regional mental health and disability services administrator, known as the Chief Executive Officer (CEO). The CEO shall be considered a shared employee of the Region/County, for employment purposes the CEO shall be considered an employee of the county employer of record. The CEO shall be the single point of contact for the region. The CEO may perform duties for the member county as outlined in an agreement between the region and the county employer of record. Compensation will be determined based on a split between Regional Duties and County Duties.

6.2 Performance Evaluation of Chief Executive Officer

The Governing Board shall conduct annual evaluations of the Chief Executive Officer. The Governing Board may conduct additional evaluations of the Chief Executive Officer at any time, as it deems necessary in a given situation. All evaluations shall be summarized in writing. In the event the Chief Executive Officer resigns, retires, or otherwise has his or her employment terminated, the Governing Board shall in consultation with the County Employer of Record and the CEO Shared Duties Agreement appoint an acting CEO which may be a member county disability coordinator.

SIGNATURE PAGE

IN WITNESS WHEREOF, _____ COUNTY EXECUTES THIS 28E AGREEMENT, CREATING
EASTERN IOWA MENTAL HEALTH-DISABILITY SERVICES REGION

EFFECTIVE _____:

BY: _____
(print name)
_____ Board of Supervisors, Chairperson

ATTEST: _____
(print name)
_____ County Auditor

ACKNOWLEDGMENT BY NOTARY

STATE OF IOWA)
)ss.
_____ COUNTY)

On this _____ day of _____, 2014, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____ and _____, to me personally known, who, being duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor of _____ County, Iowa respectively; that the seal affixed hereto is the seal of said County; that said instrument was signed and sealed on behalf of the said _____ County, Iowa, by authority of its Board of Supervisors and that said _____ and _____ as such officers, acknowledge the execution of said instrument to be the voluntary act and deed of said County, it and by them voluntarily executed.

Notary Public In and For Said County
And State of Iowa

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
THAT THIS RESOLUTION HAS BEEN FORMALLY
APPROVED BY THE BOARD OF SUPERVISORS ON

DATE

SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

APRIL 6, 2017

APPROVING THE AMENDED 28E AGREEMENT REGARDING EASTERN IOWA
MENTAL HEALTH/DISABILITY SERVICES REGION CEO POSITION CHANGES

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. That the 28E agreement between Scott County, Cedar County, Clinton County, Jackson County, and Muscatine County to form the Eastern Iowa Mental Health – Disability Services Region pursuant to Iowa Code Chapter 28E and Iowa Code Section 331.388 et seq., is hereby amended and approved to appoint and supervise a Chief Executive Officer (CEO),

Section 2. That the CEO be considered a shared employee of the county/region, be considered an employee of the county of record, and be the single point of contact for the region,

Section 3. That the CEO be evaluated annually by the Regional Governing Board.

Section 4. This resolution shall take effect immediately.