

ORDINANCE NO. 2003-05-27

IN THE MATTER OF ESTABLISHING THE LINCOLN COUNTY CHILDREN, FAMILY AND MENTAL HEALTH BOARD OF TRUSTEES AS THE SUCCESSOR BOARD TO THE LINCOLN COUNTY COMMUNITY MENTAL HEALTH BOARD OF TRUSTEES, AND ADDING ADDITIONAL DUTIES AND POWERS RELATED TO THE POWERS OF A BOARD OF DIRECTORS OF A COMMUNITY CHILDREN'S SERVICES FUND

WHEREAS, Lincoln County desires to create and designate the Lincoln County Children, Family and Mental Health Board of Trustees to carry out the duties of the former Lincoln County Community Mental Health Board of Trustees and to serve the citizens of Lincoln County by granting this Lincoln County Children, Family and Mental Health Board of Trustees the power to act, including the administration, allocation and distribution of the fees authorized by the voters and collected hereafter, to solicit donations and contributions, and to apply for and contract with other funding sources in order to carry out its mission (RSMo 67.1775; 210.860 to 210.861; and 205.975 to 205.990).

NOW, THEREFORE BE IT ORDERED BY THE COUNTY COMMISSIONERS OF LINCOLN COUNTY, MISSOURI, AS FOLLOWS:

Section 1. There is hereby created the Lincoln County Children, Family and Mental Health Board of Trustees, which shall be the successor to the Lincoln County Community Mental Health Board of Trustees. All of the powers and duties of the Lincoln County Community Mental Health Board of Trustees are hereby transferred to the Lincoln County Children, Family and Mental Health Board of Trustees.

Section 2. The Lincoln County Children, Family and Mental Health Board of Trustees is created for the administration, allocation and distribution of any taxes or fees authorized by the voters and collected hereafter for the purpose of providing necessary funds to improve and maintain community mental health services and also alcohol and drug abuse services, as authorized under RSMo 205.975 as part of comprehensive mental health services for counseling, family support, and temporary residential services to persons nineteen years of age or less as authorized under RSMo 210.861 and treatment family homes, and for the purpose of soliciting donations and contributions and contracting with other funding sources for the purposes as stated above.

There shall be a minimum of nine members of the Lincoln County Children, Family and Mental Health Board of Trustees all of whom shall be appointed by the County Commission. The Lincoln County Children, Family and Mental Health Board of Trustees shall meet as least quarterly, or four times per year. At least one member shall be a licensed physician and at least one-half of the members of such body shall be individuals who are not providers of health care. At least one-third of the members shall represent current or former consumers of psychiatric or substance abuse services or families of such consumers.

Membership in the Lincoln County Children, Family and Mental Health Board of Trustees shall be limited to registered voters of Lincoln County who have resided in Lincoln County for a period not less than three years.

No member of the Lincoln County Children, Family and Mental Health Board of Trustees shall be a current employee, board member or volunteer of an agency receiving assistance from the funds administered or recommended by the Lincoln County Children, Family and Mental Health Board of Trustees, pursuant to RSMo 205.975 and 210.861. Nothing in this order shall be interpreted to prevent persons who formerly served these agencies from serving on the Lincoln County Children, Family and Mental Health Board of Trustees. However, appointees shall have at least one year lapse between formal affiliation with an agency that may be a potential recipient of funding from this Lincoln County Children Family and Mental Health Board of Trustees. In addition, volunteers who serve an agency or agencies receiving money from the Lincoln County Children, Family and Mental Health Board of Trustees for twelve hours a year or less shall be exempt from the section.

Appointments to the Lincoln County Children, Family and Mental Health Board of Trustees shall be made as follow: a minimum of three members shall be appointed for a one year term beginning January 1, 2003; a minimum of three members shall be appointed for a two year term beginning on January 1, 2003; and the remaining three members shall be appointed for a three year term beginning on January 1, 2003. Thereafter all appointments of Lincoln County Children, Family and Mental Health Board of Trustees members shall be for a term of three years. Appointments as a result of a board member's death, resignation or forfeiture shall be made for the remainder of the three-year term of that member.

The members of the Lincoln County Children, Family and Mental Health Board of Trustees may be reimbursed for their reasonable and necessary expenses from funds appropriated for that purpose and such reimbursement shall be limited to monies actually and necessarily expended in their performance of their duties.

To qualify for funds allocated and distributed by the Lincoln County Children, Family and Mental Health Board of Trustees pursuant to this order, an agency shall meet all of the following requirements:

- A. Be incorporated or authorized to do business in the State of Missouri, as a not-for-profit corporation or be a governmental entity;
- B. Receive at least twenty-five (25%) percent of its funds from sources other than funds distributed pursuant to this order. These other sources may be public or private, but no more than half of these other sources may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
- C. Be certified or licensed by the State of Missouri to provide the services that utilize these funds, provided that such certification or licensure exists.
- D. Require persons employed by or volunteering services to the agency to maintain the confidentiality of any information that would identify individuals served by that agency;
- E. Require that within the limits of the contracted service, services be provided by the agency to individuals regardless of their race, religion, national origin, gender, or age; and
- F. Require that employees and volunteers of the agency who provide direct services be screened as required by State statute.

For funds dispersed under the provisions of RSMo 67.1775; 210.860 - 1; and, 205.975 to 205.990 any agency meeting the requirements set out in Section 8 above may apply to the Lincoln County Children, Family and Mental Health Board of Trustees for funds, and may use such funds to improve and maintain community mental health services and also alcohol and drug abuse services as part of comprehensive mental health services, as authorized under RSMo 205.975 for the purpose of providing counseling, family support, temporary residential services, and treatment family homes to persons nineteen years of age or less, as authorized under RSMo 210.861. All applications shall include, but are not limited to, the following:

- A. Evidence that the agency is incorporated or authorized to do business in the State of Missouri as a not-for-profit corporation or the agency is a governmental entity;

- B. Where appropriate, a list of directors of the corporation, or a list of the trustees of the agency or governing body if not a corporation;
- C. The proposed budget of the agency for the following calendar year, or other period for which funding is sought;
- D. A summary of the services proposed to be offered in the following calendar year, or other period for which funding is sought;
- E. An estimate of the number of persons to be served during the following calendar year as a result of the funds received pursuant to this order, or other period for which funding is sought;
- F. Any other information deemed relevant to the application by the Lincoln County Children, Family and Mental Health Board of Trustees.
- G. A detailed report of programs and services provided in a format designated by the Lincoln County Children, Family and Mental Health Board of Trustees.

Section 10. After a review of the applications for funds from agencies that meet the criteria as set out above, the Lincoln County Children, Family and Mental Health Board of Trustees shall notify agencies in writing whether they are eligible to receive funds, and if the agency is eligible, specify the amount of the award. If ineligible for funding, the Board of Trustees will make available the reasons for ineligibility.

Section 11. An agency that receives funds pursuant to this order shall file an annual report with the Lincoln County Children, Family and Mental Health Board of Trustees, on a date specified by the Board of Trustees. The annual report shall include statistics on the number of persons served by the agency as a result of funds received pursuant to this Order. The annual report shall include an external, independently audited financial statement of the previous closed financial statement of the previous closed financial year of the applicant agency; however if that statement is not through December thirty-first (31<sup>st</sup>.) of the previous year, it shall be supplemented by the external independently audited financial statement covering the period closing December thirty-first (31<sup>st</sup>.) of the previous year within ten (10) days of its receipt by the agency. No information contained in the report shall identify any person served by the agency or enable any person to determine the identity of any such persons.

An agency which misses the deadline set by the Board of Trustees for submission of its agency's report thereby renders itself ineligible for that year's funding cycle and no funding shall be voted by the Lincoln County

Children, Family and Mental Health Board of Trustees for that budget year with regard to that agency. Provided however, that if the agency shows good cause why the agency cannot submit the audited financial statement, the Lincoln County Children, Family and Mental Health Board of Trustees may make an award contingent upon the submission of the audit; the funds may be allocated but shall be dispersed until the audited financial statement is submitted to and approved by the Lincoln County Children, Family and Mental Health Board of Trustees.

Such ineligibility for funds due to failure to submit an annual report shall not be permanent, but in order to be eligible in future funding cycles the agency shall;

- A. Have provided at least one twelve-month funding cycle to the Lincoln County Children, Family and Mental Health Board of Trustees, and
- B. Have filed with the Lincoln county Children, Family and Mental Health Board of Trustees the delinquent report or documents.

The Lincoln County Children, Family and Mental Health Board of Trustees shall compile the reports filed pursuant to this section annually and transmit the compiled reports to the County Commissioners with its estimate of the number of persons served by the funds the Board has recommended, its recommendations of programs to aid residents of the County, its estimates of the resources necessary to implement and operated such programs, and shall develop and report like figures with regard to the persons receiving funds from the Lincoln County Children, Family and Mental Health Board of Trustees.


Section 12. The Lincoln County Children, Family and Mental Health Board of Trustees shall have the authority to solicit donations and contributions from the community and to apply for and contract with other funding sources in order to carry out its stated purposes.

Section 13. All of the sections of this order shall be severable. In the event that any section of this order is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining sections of this order shall remain valid unless the court finds the valid sections of this order are so essentially and inseparably connected with and so dependent upon the void section that it cannot be presumed that the County Commissioners could have enacted the valid sections without the void ones; or unless the court finds that the valid sections standing alone, are incompetent and incapable of being executed in accordance with legislative intent.

Section 14. This order shall be in full force and effect from and after its date of passage and approval.

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Russell Cox  
Presiding Commissioner

  
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Edward Huber, Jr.  
Associate Commissioner Dist. #1



Marvin Himmel Associate  
Commissioner Dist. #2

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