MENTAL HEALTH CODE REQUIREMENTS FOR AN AUTHORITY

1. At least three (3) public hearings must be held.
2. Requires approval by County Board and filing with the Secretary of State and County Clerk.
3. Duration of Mental Health Authority and method to dissolve by the County Board and/or the Authority.
4. How net financial assets will be returned to the County or the CMH program that replaces the Authority if the Authority is dissolved.
5. Liability of Authority for costs associated with real or personal property purchased or leased by the County for use by Community Mental Services to the extent necessary to discharge the financial liability if desired by the County.
6. The manner of employing, compensating, transferring, or discharging personnel subject to applicable civil service and merit systems, and the following restrictions:
   a. Authority employees are public employees.
   b. Authority employees shall maintain all rights and benefits for at least one year.
   c. Any collective bargaining agreements shall become the responsibility of the Authority.
7. Any other matter consistent with the Act that is necessary to assure operation of the Authority.
8. All assets, debts, and obligations of Community Mental Health shall be transferred to the Authority including but not limited to equipment, furnishings, supplies, cash, and other personal property.
9. All the privileges and immunities from liability and exemptions from laws, ordinances and rules that are applicable to County elected officials and employees of County government are retained by the Authority except that those privileges granted under subsection (6) are not included.
10. In addition, the Authority shall have the following powers:
   a. To fix and collect charges, rates, rents, fees, or other charges and to collect interest.
   b. To make purchases and contracts.
c. To transfer, divide, or distribute assets and liabilities subject to conditions of agreement between the County and the Authority.

d. To accept gifts, grants, or bequests and to determine how those may be used consistent with the donor’s request.

e. To acquire, own, operate, maintain, lease, or sell real or personal property subject to the following conditions.

1. Implement a plan for alternative housing for residents residing on the property.

2. Provide for comments and concerns of recipients residing on the property.

3. Respond to those Comments and concerns in Writing.

f. To do the following in the Authority’s Name:

1. Enter into contracts & agreements.

2. Employ staff.

3. Acquire, construct, manage, maintain, or operate buildings or improvements.

4. Acquire, own, operate, maintain, lease or dispose of real or personal property.

5. Incur debts, liabilities, or obligations that are not obligations of the County. Commence litigation, and defend itself in litigation.

g. To invest funds in accordance with statutes.

h. Set up reserve accounts (utilizing State funds in the same proportion of State funds to all other revenue sources) to cover vested employee benefits including but not limited to accrued vacation, health benefits, payout of accrued sick leave, workers compensation, depreciation of capital assets, and retirement plan.

i. To develop a charge schedule for services.

11. The Authority shall do all of the following:

a. Provide the County and DCH an annual independent CPA audit.

b. Be responsible for all executive administration, personnel administration, finance, accounting, and management information system functions.
12. The County is not liable for any intentional, negligent, or grossly negligent act or omissions, for any financial affairs, or for any obligation of the Authority, its Board, employees, representatives or agents.

13. The Authority shall not levy any type of tax or issue any type of bond or financially obligate any Unit of government other than itself.

14. An Authority employee is not a County employee. The Authority is the employer with regard to all laws pertaining to employer rights, benefits, and responsibilities.

15. An Authority is subject to the Open Meetings Act and the Freedom of Information Act.

16. The purpose of the Authority shall be to provide a comprehensive array of mental health services which at a minimum shall include:

a. Crisis stabilization and response including a 24 hour, 7 day per week, crisis emergency service.

b. Identification, assessment, and diagnosis to determine the needs of the recipient and to develop an individual plan of services.