

STATE OF TEXAS

COUNTIES OF: Angelina, Houston, Nacogdoches, Newton, Polk, Sabine,
San Augustine Shelby, San Jacinto, Trinity and Tyler

MODIFIED INTERLOCAL COOPERATION AGREEMENT AND CONTRACT

WHEREAS, by written contract, dated the 11th day of July, 1974, supported by the separate Orders of each Commissioners Courts of the following thirteen (13) counties: Angelina, Hardin, Houston, Jasper, Nacogdoches, Newton, Polk, Sabine, San Augustine, Shelby, San Jacinto, Trinity and Tyler, did establish and begin to operate a Community Center for the providing of Mental Health and Mental Retardation services for the thirteen (13) county region, which Community Center was originally named "Deep East Texas Regional Mental Health and Mental Retardation Services";

WHEREAS, on the 27th day of August 1996, by unanimous vote of the Board of Trustees of the Deep East Texas Regional Mental Health and Mental Retardation Services, the name of the Community Center, was formally legally changed to "Burke Center" in honor of founding Board President and longtime Trustee, Ward R. Burke of Lufkin, Texas, which name change took effect on the 27th day of August 1994.

WHEREAS, effective on the 1st day of September, 2000, Hardin County ceased to be a part of the Interlocal Agreement for the establishment and operation of the Burke Center, thereby creating the necessity for a modified Interlocal Agreement Cooperation Act Agreement by and for the remaining twelve (12) counties which sponsor the Burke Center; under the authority of Chapter 791 of the Texas Government Code; and

WHEREAS, effective on the 1st day of September, 2023, Jasper County will cease to be a part of the Interlocal Agreement for the establishment and operation of the Burke Center, thereby creating the necessity for a modified Interlocal Agreement Cooperation Act Agreement by and for the remaining eleven (11) counties which sponsor the Burke Center; under the authority of Chapter 791 of the Texas Government Code; and

WHEREAS, certain terminology is changed to reflect Texas Government Code, Chapter 392 to use person-first language to emphasize each person's value, individuality, and capabilities.

WHEREAS, each of the Commissioners Courts of the eleven (11) counties have adopted written Orders which expressly authorize, adopt and approve the terms contained in this Modified Interlocal Agreement and Contract.

NOW THEREFORE, know all men by these presents that the Counties of Angelina, Houston, Nacogdoches, Polk, Sabine, San Augustine, Shelby, San Jacinto, Trinity and Tyler desire to continue the operation of a community center for mental health and mental retardation services under the laws of this state, which operation is authorized by the provisions of Chapter 534 of the Health and Safety Code; and the above named counties, acting by and through their duly authorized Commissioners Courts do hereby covenant and agree as follows:

I. ORGANIZATION

Section 1.1 - Name. The name of the community center shall be the Burke Center.

Section 1.2 - Principle Office. The principle office of the of the Burke Center shall be located in the City of Lufkin, Angelina County, Texas at such location in the City of Lufkin as the Board of Trustees shall determine. The center shall have such other offices as the Board of Trustees may determine or as the affairs of the center may require from time to time.

Section 1.3 - Registered Agent and Office. The registered agent for the center shall be the Chief Executive Officer and the registered office shall be 2001 South Medford Drive, Lufkin, Angelina County, Texas 75901.

II. MEMBERSHIP and STRUCTURE OF THE BOARD OF TRUSTEES

Section 2.1 - Representation. The member county governments agree to each appoint the respective member of the Board of Trustees for the Burke Center as set forth in this Agreement. The Board of Trustees for the Burke Center shall consist of nine (9) members to be appointed from the qualified voters of the region to be served, with each county authorized to appoint the representative as set forth below. The

following county representation scheme is agreed upon as fair and equitable to all counties and will be implemented and used:

- 1 representative Angelina County
- 1 representative Nacogdoches County
- 1 representative Polk County
- 1 representative San Jacinto County
- 1 representative Shelby County
- 1 representative Houston County
- 1 representative Shared by Tyler and Newton County
- 1 representative Trinity County
- 1 representative Shared by Sabine and San Augustine County

Section 2. 02 - Terms of Office. The terms of office of these representatives and members of the Board of Trustees shall continue to be staggered as they have been since 1974 on the same schedule that has heretofore been employed. All appointment of Trustees hereafter shall be for a two (2) year period, or until their successors are appointed and qualified to serve. Appointments made to fill unexpired terms shall be for the period of the unexpired term, or until a successor is appointed and qualified.

III. MISSION

Section 3.01 - Mission. The mission of Burke Center is "Working Together To Improve Lives". Burke Center is committed to providing quality behavioral health care services to the residents of East Texas. This requires a geographically disbursed and affordable array of quality services specifically designed to meet the individual needs of the person served.

Section 3.02 - Purpose. The purpose of the Burke Center shall be to foster the development of a comprehensive and coordinated service delivery system which makes available a full range of services for individuals with mental health, individuals with developmental disabilities, and those who need substance use services in our region. These services will include assisting individuals to secure and maintain maximum independence and dignity. Efforts will be made to provide training, treatment, therapy, and counseling to individuals in

order to help them achieve their maximum potential. Special emphasis will be placed on public education and consultation concerning mental health, intellectual and development disabilities and substance use, with the long-range goal of prevention being paramount.

Section 3.03 -Definition. The Burke Center is a public entity, a governmental unit, a unit of local government, an agency of the state, and a political subdivision as defined:

- A. an agency of the state, a governmental unit, and a unit of local government, as defined and specified by Chapters 101 and 102. Civil Practice and Remedies Code;
- B. a local government, as defined by §791.003. Government Code;
- C. a local government for the purposes of Chapter 1084, Acts of the 70th Legislature, Regular Session 1987. Article 715c, Vernon's Texas Civil Statutes; and
- D. a political subdivision for the purposes of Chapter 172. Local Government Code.

Further, the Burke Center shall be operated as a not-for-profit organization, governed as an independent local unit of government by a nine (9) member Board of Trustees with representatives appointed by the respective Commissioners Courts in the eleven (11) county region center.

All power and authority to govern, operate and manage the activities of the community center are vested in the Board of Trustees selected by the Commissioners Courts of the eleven (11) participating counties. The Board of Trustees shall have all power and duty authorized by the constitution and laws of the State of Texas for the operation of a community center.

The Board of Trustees of the community center shall operate in accordance with the revised Constitution and By-Laws of the Burke Center and in accordance with such policies and procedures duly adopted by the Board of Trustees.

IV. LOCAL MATCH

Participating Commissioners Courts in this Interlocal Agreement shall provide for local match to allow for Burke Center to receive State funding for performance of the governmental functions and

services provided for the operations of the Burke Center, and each county shall make local match payments therefore from current revenues annually to the Burke Center. Local Match is agreed upon annually between Burke and each County Commissioners Court.

V. AUTHORIZATION

This Interlocal Agreement is authorized by the governing bodies of the eleven (11) County Commissioners Courts as evidenced by the true and correct copies of the Resolutions of each of the Commissioners Courts which are incorporated herein for all purposes as if recited herein verbatim and as evidenced by the signatures of the County Judge of each of the counties below.

The parties to this Interlocal Agreement have executed this Agreement in multiple counterparts to be in effect the 1st day of September 2023.

Honorable Keith Wright
County Judge, Angelina County

Honorable Jim L. Lovell
County Judge, Houston County

Honorable Greg Sowell

County Judge, Nacogdoches County

Honorable Ronald J. Cochran
County Judge, Newton County

Honorable Sydney Murphy
County Judge, Polk County

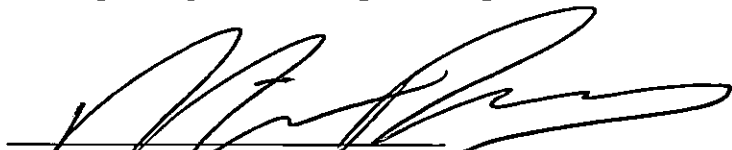
Honorable Daryl Melton
County Judge, Sabine County

Honorable Jeff Boyd
County Judge, San Augustine County

Honorable Fritz Faulkner
County Judge, San Jacinto County

Honorable Allison Harbison
County Judge, Shelby County

Honorable Danny Martin
County Judge, Trinity County



Honorable Milton Powers
County Judge, Tyler County