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COUNTY OF FOREST

ORDINANCE No. 4 - 2019

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FOREST, PENNSYLVANIA, APPROVING THE INTERGOVERNMENTAL COOPERATION AGREEMENT TO: (1) AUTHORIZE A SINGLE PRIMARY CONTRACTOR AGREEMENT WITH THE DEPARTMENT OF HUMAN SERVICES OF THE COMMONWEALTH OF PENNSYLVANIA FOR THE HEALTHCHOICES BEHAVIORAL HEALTH PROGRAM ON BEHALF OF THIS COUNTY AND CERTAIN OTHER COUNTIES IDENTIFIED IN THE INTERGOVERNMENTAL COOPERATION AGREEMENT; AND (2) AUTHORIZE A SINGLE PRIMARY CONTRACTOR TO ENTER INTO AN AGREEMENT WITH A BEHAVIORAL HEALTH MANAGED CARE ORGANIZATION; AND FURTHER, (3) TO PROVIDE FOR AND AUTHORIZE PROPER OFFICERS OF THIS COUNTY TO TAKE ALL OTHER REQUIRED, NECESSARY, OR DESIRABLE ACTIONS IN CONNECTION WITH THIS ORDINANCE.

WHEREAS, the County of Forest, Pennsylvania (the "County"), is a county of Eighth class, of the Commonwealth of Pennsylvania; and

WHEREAS, in 2006, the Department of Human Services ("DHS") entered into a Primary Contractor Agreement with Community Care Behavioral Health Organization (the "DHS – Community Care Agreement") to serve as the Primary Contractor to operate the HealthChoices Behavioral Health Program (the "Program") in the North Central Zone, as designated by DHS, which includes the County and the counties of Bradford, Cameron, Centre, Clarion, Clearfield, Columbia, Elk, Huntingdon, Jefferson, Juniata, McKean, Mifflin, Montour, Northumberland, Potter, Schuylkill, Sullivan, Snyder,

Tioga, Union, Warren, Wayne (collectively with Forest County, the “North Central Zone Counties”); and

WHEREAS, the North Central Zone Counties created Behavioral Health Alliance of Rural Pennsylvania, a Pennsylvania non-profit corporation (“BHARP”), pursuant to the County Code, Act of August 9, 1955, P.L. 323, and delegated to it certain responsibilities to participate in the implementation and monitoring of the DHS – Community Care Agreement; and

WHEREAS, DHS has now decided to offer the North Central Zone Counties the Right of First Opportunity to respond to a Request for Proposals, to be issued by DHS in 2020, to allow BHARP to become the Primary Contractor for the Program in the Counties, commencing July 1, 2021; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S.A. §§2301, *et seq.* (the “Act”), the County wishes to join with the other North Central Zone Counties who have accepted the offer of Right of First Opportunity (the “Counties”) and enter into an Intergovernmental Cooperation Agreement, substantially in the form attached hereto (the “ICA”), incorporating the terms and conditions for joint operation of BHARP and setting forth its agreement to authorize BHARP to enter into contracts with contractors, assist in the delivery of the Program services, and for one or more such contractors to assume the financial and operational risks thereof and to indemnify each County and BHARP for such risks, for the benefit of the Medicaid-eligible citizens of the County; and

WHEREAS, the County, in conjunction with the other Counties, desires to enter into the ICA to permit BHARP to enter into a single Primary Contractor Agreement with DHS (the “DHS Agreement”) and a single agreement with a Behavioral Health Managed Care Organization, both on behalf of the Counties; and

WHEREAS, the County finds and concludes that the public interest is and will be served by entering into the ICA;

NOW, THEREFORE, it is hereby enacted and ordained by the County of Forest as follows:

Section 1. The County hereby authorizes its entry into the ICA, a copy of which is attached to this Ordinance as Exhibit 1 with the Counties that are identified in and become parties to the ICA, a copy of which is attached to this Ordinance as Exhibit 2.


Section 2. The County authorizes the proper officers of this County to take all other required, necessary, or desirable action in connection with this Ordinance, including the execution of the ICA.

Section 3. The provisions of this Ordinance are severable. If any provisions of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or application of this Ordinance.

ENACTED AND ORDAINED, this 17th day of October, 2019 by the Board of Commissioners of Forest County.

ATTEST:

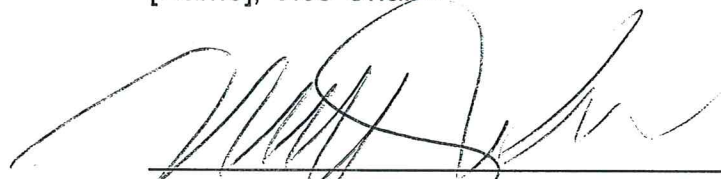
COUNTY OF
BOARD OF COMMISSIONERS


[Name]

County Administrator/Chief Clerk


[Name], Chair


[Name], Vice-Chair


[Name], Secretary