

**RESOLUTION NO. 2010- 146 R**

**A resolution authorizing the City Manager to execute an Interlocal Agreement between the City of Victoria through its Police Department and Victoria County Regarding Mental Health Consumer Transportation Cost Reimbursement; and declaring an effective date.**

IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Manager is authorized to execute an Interlocal Agreement between the City of Victoria through its Police Department and Victoria County Regarding Mental Health Consumer Transportation Cost Reimbursement, which is attached hereto as **Exhibit "A"** and incorporated herein, with changes to form as are approved by the City Attorney.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 9<sup>th</sup> day of September, 2010.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 9<sup>th</sup> day of September, 2010.



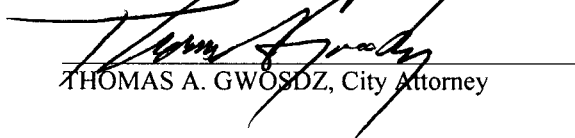
ATTEST:

  
SCARLET SWOBODA, City Secretary



WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

  
THOMAS A. GWOSDZ, City Attorney

Distribution: Legal Department  
Police Department

Copies sent: SEPTEMBER 10, 2010

**Interlocal Agreement between the City of Victoria through its Police Department and Victoria County  
Regarding Mental Health Consumer Transportation Cost Reimbursement**

Pursuant to this Interlocal Agreement, the City of Victoria (City) shall be reimbursed by Victoria County (County) for specific costs related to the transportation of mental health consumers to qualified mental health facilities outside of the County of Victoria.

**WHEREAS**, the Texas Health and Safety Code, Chapter/Section 573.001 “Emergency Detention” provides that “A peace officer, without warrant, may take a person into custody if the officer has reason to believe and does believe that the person is mentally ill, and because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained, and believes that there is not sufficient time to obtain a warrant before taking the person into custody”; and

**WHEREAS**, the City recognizes that under Chapter 573 of the Texas Health and Safety Code, City of Victoria Police Department (VPD) officers may be called upon to transport the apprehended person to 1) the nearest appropriate inpatient mental health facility; or 2) a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available; and

**WHEREAS**, the Texas Health and Safety Code, Chapter/Section 574.045 “Transportation of Patient” provides that “The court may authorize the transportation of a committed patient (consumer) or patient detained under Section 573.022 or 574.023 to the designated mental health facility by: (1) a relative or other responsible person who has a proper interest in the patient’s welfare and who receives no remuneration, except for actual and necessary expenses” or “(3) a special officer for mental health assignment certified under Section 1701.404, Occupations Code”; and

**WHEREAS**, the City and Victoria County recognize that a VPD officer transporting mental health consumers under the authority of Chapter 573 meets the criteria of Texas Health and Safety Code, Chapter 574.045 (1) and (3); and

**WHEREAS**, the Texas Health and Safety Code, Chapter/Section 574.045 “Transportation of Patient” provides that “(h) The patient must be transported directly to the facility within a reasonable amount of time and without undue delay”; and

**WHEREAS**, the Texas Health and Safety Code, Chapter/Section 571.018 provides that “(a) the costs for a hearing or proceeding under this subtitle shall be paid by: (1) the county that initiates emergency detention procedures under Subchapter A or B, Chapter 573,” and “(c) Costs under this Section include:...(4) expenses of transportation to a mental health facility”;

**THEREFORE**, the parties hereto agree as follows:

Whenever the VPD, under the authority of the Texas Health and Safety Code, Chapter 573 “Emergency Detention,” apprehends, without warrant, a person who the officer has reason to believe and does believe is mentally ill, and because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained, and believes that there is not sufficient time to obtain a warrant before taking the person into custody. VPD officers will transport the apprehended person to 1) the nearest appropriate inpatient mental health facility; or 2) a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available, and the City shall be reimbursed by Victoria County for the following:

- Overtime transportation expenses for two off-duty officers called in for transportation of the mental health consumers.

- Billable personnel time begins when the off-duty officers report to the Victoria Police Department, Victoria County Sheriff's Office (VCSO) to secure the transportation vehicle, or any other location deemed necessary by the on-duty VPD supervisor.
- Overtime expenses shall be compensated at time and a half (weighted at 1.5) to include "normal" salary and benefits.
- If overnight lodging, meals, etc. are necessary due to an abnormal transportation distance (example El Paso, etc.), any VPD "out-of-pocket" expenses shall be initially paid by the City and reimbursed by Victoria County. Only rare, exigent circumstances will require overnight lodging due to very long transportation assignments. Overnight lodging must be approved in advance by either the VPD Chief of Police, Deputy Chief of Police, or Captain of Operations.
- Whenever the Gulf Bend/VCSO transportation unit is unavailable and a VPD vehicle is required for the transport, the City shall be compensated for the total miles driven to and from the mental health facility at the allowable IRS reimbursement rate. Under this scenario, any VPD "out-of-pocket" expenses shall be paid by the City and reimbursement shall not be sought from Victoria County.

The VPD shall, whenever possible, utilize the VCSO/Gulf Bend transportation vehicle (as authorized by Interlocal Agreement). Under this scenario, VPD shall utilize the VCSO/Gulf Bend transportation vehicle and the assigned Victoria County fuel key. If additional fuel is required and using the "fuel key" is not an option (due to geographical distance or fuel system malfunction), VPD shall submit the fuel expense to Victoria County.

Victoria County agrees to reimburse the City of Victoria for the above costs related to transporting mental health consumers to facilities outside of Victoria County. Such payments shall be made from current revenue available to the County. Reimbursement will be billed quarterly.

All reimbursements will be due and payable within thirty (30) business days of receipt of invoice.

**City of Victoria**

**Victoria County**

\_\_\_\_\_  
Charles E. Windwehen  
City Manager

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Don Pozzi  
County Judge

ATTEST:

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Scarlet Swoboda, City Secretary

APPROVED AS TO FORM:

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Thomas A. Gwosdz, City Attorney