



NUECES COUNTY HOSPITAL DISTRICT
Administrative Offices

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BOARD OF MANAGERS ORDER
SEPTEMBER 26, 2019

**DESIGNATE FROST BANK AS DEPOSITORY FOR HOSPITAL DISTRICT FUNDS
FOR THE PERIOD OCTOBER 1, 2019 – SEPTEMBER 30, 2023**

WHEREAS, the Nueces County Hospital District (“Hospital District” or “District”) is a body politic and corporate and a political subdivision of the State of Texas, established and created pursuant to the Texas Constitution, Article IX, Section 4 and the Texas Health and Safety Code (the “Health Code”), Chapter 281, and operated in accordance with the Health Code and other applicable laws of the State of Texas, including the Texas Local Government Code (the “Local Government Code”), Chapter 116;

WHEREAS, the Hospital District’s Board of Managers (“Board”) have been duly appointed pursuant to Health Code, § 281.021(a); and pursuant to the collective authorities of Health Code, § 281.047 and § 281.048, the Board is the District’s governing body and the Board has, and at the time of adoption of this Order had, full power and authority to manage, control, administer, and to adopt rules governing operation of the District;

WHEREAS, the Hospital District, under the authority of the Health Code, §281.093(a)(1) and following Local Government Code, Chapter 116, issued Request for Applications No. 2019-01 for Depository and Banking Services for the period October 1, 2019 – September 30, 2023 and as result thereof and pursuant to Local Government Code, Chapter 116, the Board selected Frost Bank on August 26, 2019 as the District’s depository for the said period;

WHEREAS, Frost Bank has pledged securities for deposited Hospital District funds and the Board has approved said securities pursuant to Local Government Code, §116.051 *et seq.*; and

WHEREAS, pursuant to Local Government Code, §116.025 the Board now desires to designate Frost Bank as the depository for Hospital District funds.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. The Board of Managers designates Frost Bank as the depository for Hospital District funds for the period October 1, 2019 – September 30, 2023.
2. The Hospital District's Administrator is authorized to execute on behalf of Nueces County Hospital District an agreement with Private Legal Counsel (hereinafter the "Agreement") containing terms and provisions substantially similar to those contained in the attached agreement because the Board of Managers find that there is a substantial need for the legal services of Private Legal Counsel which cannot adequately be performed by the attorneys and supporting personnel of Nueces County, or by the attorneys and supporting personnel of the Hospital District, or by the attorneys and the supporting personnel of another governmental entity, nor can the legal services reasonably be obtained from attorneys in private practice under a contract providing only for payment of hourly fees without regard to the outcome of the matter because of the nature of the representation.
3. All fees to be paid to Private Legal Counsel are contingent upon the recovery of the penalties, attorneys' fees and costs as provided for in the Agreement and shall be paid only from such recovery and no money shall be due or paid from the General Fund or any special fund under the Agreement.
4. The Hospital District's Administrator is authorized to do any and all things necessary or convenient to accomplish the purposes of this order.

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**NUECES COUNTY HOSPITAL DISTRICT
BOARD OF MANAGERS**

Van Huseman
Member

Ted A. Daniel
Member

Sylvia Tryon Oliver
Member

John B. Martinez
Member

Belinda Flores
Member

Vishnu V. Reddy, M.D.
Member

CERTIFICATE OF SECRETARY

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §
 §
NUECES COUNTY HOSPITAL DISTRICT §

THE UNDERSIGNED HEREBY CERTIFIES that:

1. The members of the Board of Managers (the "Board") of the Nueces County Hospital District (the "Hospital District") have been duly appointed pursuant to Texas Health and Safety Code (the "Health Code"), §281.021.

2. Pursuant to Health Code, §281.021(a), the Hospital District's Board of Managers (the "Board") have been duly appointed; pursuant to Health Code, §281.048, the Board is the governing body of the Hospital District; and pursuant to the collective authorities of Health Code, §281.047 and §281.048, the Board has, and the time of adoption of this Order had, full power and authority to manage, control, administer, and to adopt rules governing operation of the Hospital District.

3. On the **26th day of September, 2019** the Board convened in a regular meeting at the Hospital District's regular meeting place (the "Meeting"), the duly constituted members and officers of the Board being as follows:

- Van Huseman
- Ted A. Daniel
- Sylvia Tryon Oliver
- John B. Martinez
- Belinda Flores
- Vishnu V. Reddy, M.D.

and all of said persons were present, except the following absentees:

_____ , _____
and _____, thus constituting a quorum.

4. Among other business considered at the Meeting, the attached order entitled:

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is a true copy of an order introduced and submitted to the Board for consideration toward passage and adoption (the "Order"). After presentation and discussion, it was then duly moved and seconded that the Order be passed and adopted. The motion to pass and adopt the Order prevailed and carried by the following viva voce vote:

YEAS: _____
NAYS: _____
PRESENT NOT VOTING: _____
ABSENT: _____

all as shown in the official Minutes of the Board for the Meeting.

5. The attached Order is a true and correct copy of the original on file in the official records of the Hospital District; the duly qualified and acting members of the Board on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Board was

given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Order would be considered; and the Meeting and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the Order, was posted and given in advance thereof in compliance with the provisions of Chapter 551, Texas Government Code, as amended.

6. I am the Secretary of the Board having been duly appointed pursuant to Health Code, §281.023(b).

7. The foregoing Order is in full force and effect; that the same has not been rescinded, nor has it been amended or modified in any way.

IN WITNESS WHEREOF, I have hereunto signed my name officially and affixed the seal of the Hospital District on this the **26th day of September, 2019.**

Jonny F. Hipp
Secretary, Board of Managers
Nueces County Hospital District

{HOSPITAL DISTRICT SEAL}