



BOARD OF MANAGERS RESOLUTION
AUGUST 22, 2023

**A RESOLUTION INCORPORATING
FISCAL YEAR 2024 ANNUAL BUDGET FUNDING
FOR NUECES COUNTY-RELATED HEALTHCARE EXPENDITURES**

WHEREAS, the Nueces County Hospital District (the “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;

WHEREAS, pursuant to the collective authorities of the Health Code, §281.047 and §281.048, the Board of Managers of the Hospital District (the “Board”) has, and at the time of adoption of this Resolution had, full power and authority to manage, control, administer, and to adopt rules governing operation of the Hospital District;

WHEREAS, pursuant to the statutory requirements of Health Code, §281.091(a), the Hospital District’s Administrator (the “Administrator”) has the duty of preparing an annual budget under the Board’s direction and the Hospital District’s Fiscal Year 2024 is October 1, 2023 through September 30, 2024;

WHEREAS, the Hospital District has certain funds made available to the District from sources other than a tax levy (“Hospital District’s Non-Tax Funds”) as described in Health Code, §281.094(a), and when said funds are used for statutorily authorized expenditures, said expenditures qualify as a portion of the District’s annual claims submitted for distribution of tobacco settlement proceeds to political subdivisions as described in 25 Texas Administrative Code §102.3(e)(2);

WHEREAS, on January 19, 1999, the Board adopted a Resolution creating a restricted Tobacco Settlement Fund (the “Tobacco Settlement Fund”) and said resolution directed that all proceeds arising from the litigation styled, *The State of Texas v. The American Tobacco Co., et al., No. 5-96CV-91 in the United States District Court, Eastern District of Texas* (the “Tobacco Litigation”), be placed into said Fund;

WHEREAS, the Hospital District proceeds that arise from the Tobacco Litigation are revenues made available to the District from sources other than a tax levy as described in Health Code, §281.094(a), and when said revenues are used for statutorily authorized expenditures, said expenditures qualify as a portion of the District’s annual claims submitted for distribution of tobacco settlement proceeds to political subdivisions as described in 25 Texas Administrative Code §102.3(e)(2);

WHEREAS, previously in August 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022, the Nueces County Commissioners Court (the “Commissioners Court” or “Court”) requested that the Board provide funding for the Nueces County-related healthcare services permitted in Health Code, §281.094(a) during the District’s related Fiscal Years 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023 Annual Budgets and the Board has undertaken all such requests;

WHEREAS, Commissioners Court has requested for the Hospital District’s Fiscal Year 2024, that the Board allocate in the Hospital District’s Fiscal Year 2024 Annual Budget (the “FY 2024 Annual Budget”), funds sufficient to provide for the healthcare services detailed and described in the schedule “County Healthcare Services Funding Schedule - Fiscal Year 2024” attached hereto and identified as “Attachment “A”” and incorporated herein by reference (collectively, the “FY 2024 County Healthcare Services”);

WHEREAS, the Board is amenable to undertaking Commissioners Court’s request above to allocate funds in the FY 2024 Annual Budget for the FY 2024 County Healthcare Services, subject to the continuing availability of funds and the Board desires to appropriate in the FY 2024 Annual Budget, funds sufficient to provide for the FY 2024 County Healthcare Services in the aggregate amount of **\$12,614,778** (the “FY 2024 County Healthcare Services Funding Amount”) as such services are detailed and described in the schedule “County Healthcare Services Funding Schedule - Fiscal Year 2024” attached hereto and identified as “Attachment “A”” and incorporated herein by reference;

WHEREAS, the FY 2024 County Healthcare Services are healthcare services described in Health Code, §281.094(a) and the related FY 2024 County Healthcare Services Funding Amount to be paid by the Hospital District from the Hospital District’s Non-Tax Funds and Tobacco Settlement Fund pursuant to this Resolution are funds made available to the District from sources other than a tax levy as described in Health Code, §281.094(a), and as a result said expenditures qualify as a portion of the District’s annual claims submitted for distribution of tobacco settlement proceeds to political subdivisions as described in 25 Texas Administrative Code §102.3(e)(2) due to the fact they are statutorily authorized expenditures, and Health Code, §281.094(a), provides that, with the approval of Commissioners Court, the Board of the Hospital District may use funds made available to the Hospital District from sources other than a tax levy to fund those healthcare services described therein;

WHEREAS, the Board desires to assure that FY 2024 Annual Budget funds disbursed for FY 2024 County Healthcare Services, as detailed and described in this Resolution, are utilized for the intended efforts, or come as a logical consequence of such efforts; and

WHEREAS, pursuant to the authority of the Health Code, §281.026(d) and (e), the Administrator has the full power and authority to perform the acts described and resolved by the Board hereunder, and he is legally authorized and capable of performing such acts.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MANAGERS OF THE NUECES COUNTY HOSPITAL DISTRICT, THAT:

1. The Board hereby determines and declares that the forgoing recitals are true and correct and are adopted as part of this Resolution as findings-of-fact.
2. The Board hereby determines, declares, and issues a finding of fact wherein the funds from the Hospital District's Non-Tax Funds and Tobacco Settlement Fund for payment of the FY 2024 County Healthcare Services Funding Amount pursuant to this Resolution are funds made available to the District from sources other than a tax levy and any disbursement of those funds is a statutorily authorized expenditure as described in Health Code, §281.094(a) and thereby qualify as a portion of the District's annual claims submitted for distribution of tobacco settlement proceeds to political subdivisions as described in 25 Texas Administrative Code §102.3(e)(2).
3. Pursuant to the authority of Health Code, §281.091(a) and the provisions of Health Code, §281.094(a), the Board hereby directs the Administrator to incorporate into the Hospital District's FY 2024 Annual Budget an amount equal to **\$12,614,778** to provide for the FY 2024 County Healthcare Services to be allocated as shown in the schedule "County Healthcare Services Funding Schedule - Fiscal Year 2024" attached hereto and identified as "Attachment "A"."
4. It shall be the responsibility of Nueces County to assure that FY 2024 Annual Budget funds disbursed for FY 2024 Nueces County Healthcare Services, as described in this Resolution, are utilized for the intended efforts, or come as a logical consequence of such efforts.
5. The Board hereby authorizes and directs the Administrator to disburse the FY 2024 Nueces County Healthcare Services Funding Amount on a basis, schedule, and in a manner, he determines is reasonable and appropriate following commencement of the Hospital District's Fiscal Year 2024.
6. The Administrator shall be and is hereby expressly authorized and directed to do and perform all acts, and to execute all instruments and other related documents, whether or not herein cited, as required to carry out the intent, terms, and provisions of this Resolution, such execution to be conclusively evidenced by the performance of such acts.
7. The Administrator, in his capacity as the Secretary of the Hospital District Board, be and is hereby legally authorized and empowered to certify these resolutions and that the provisions hereof are in conformance with the Governing Board Bylaws of the Hospital District and the laws of the State of Texas.
8. This Resolution shall take effect and be in full force and effect upon and after its passage.

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**NUECES COUNTY HOSPITAL DISTRICT
BOARD OF MANAGERS**

John E. Valls
Chairman

Vishnu V. Reddy, M.D.
Vice Chairman

Sylvia Tryon Oliver
Member

Belinda Flores, R.N.
Member

Mariana Garza, J.D.
Member

Efrain Guerrero, Jr.
Member

Arthur Granado
Member

ATTACHMENT "A"

**COUNTY HEALTHCARE SERVICES
FUNDING SCHEDULE - FISCAL YEAR 2024**

Program #	Program Description	Amount
1a	Local match and other funding for the Nueces Center for Mental Health and Intellectual Disabilities.	\$969,129
1b	Nueces Center for Mental Health and Intellectual Disabilities and/or Nueces County for: [i] Jail Diversion Program, [ii] Crisis Intervention Team (CIT), [iii] Mobile Crisis Outreach Team (MCOT), [iv] Walk-in-Crisis, [v] Jail-Based Competency Restoration (JBCR), and [vi] Forensic Assertive Community Treatment Team (FACT) programs.	3,018,000
2	Nueces County's expense share for City/County Public Health District, Nueces County vector control, and Robstown public health outreach and mobile medical clinic operated by the City/County Public Health District.	2,313,000
3	Emergency medical services provided by cities, towns, and emergency services districts into Nueces County outside their jurisdictions.	650,000
4	Detainee healthcare services at the Nueces County Juvenile Justice Center and elsewhere where detainees are held.	474,000
5	Inmate healthcare services provided by Armor Correctional healthcare Services at the Nueces County Jail and McKenzie Jail Annex.	4,795,649
6a	Nueces County for contribution to the Alcohol and Drug Rehabilitation Center (Cenikor).	60,000
6b	Nueces County for contribution to the Council on Alcohol and Drug Abuse	50,000
7	Nueces County for programs impacting juvenile and adult diabetes.	50,000
8	HALO-Flight nonprofit air ambulance service.	15,000
9	Public health grants relating to COVID-19 pandemic-related testing and other healthcare services provided to residents of the Hospital District; grants for Amistad Community Health Center, Coastal Bend Wellness Foundation, and University of Texas Health Science Center-San Antonio Area Health Education Center.	220,000
Total		\$12,614,778

**CERTIFICATE FOR RESOLUTION
A RESOLUTION INCORPORATING
FISCAL YEAR 2024 ANNUAL BUDGET FUNDING
FOR NUECES COUNTY-RELATED HEALTHCARE EXPENDITURES**

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §

I, the undersigned Secretary of the Board of Managers of the Nueces County Hospital District, hereby attest as follows:

1. The Board of Managers of said District convened in regular meeting on the 22nd day of August 2023, at the regular meeting place, and the roll was called of the duly constituted officers and members of said Board of Managers, to wit:

John E. Valls, MBA, Chairman
Vishnu V. Reddy, M.D., Vice Chairman
Sylvia Tryon Oliver
Belinda Flores, R.N.
Mariana Garza, J.D.
Efrain Guerrero, Jr.
Arthur Granado

and all of said persons were present, except the following absentees: _____, _____, and _____ thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: A written

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was introduced for the consideration of said District and read in full. It was then duly moved and seconded that said Resolution be passed, and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed, and carried by the following vote:

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

2. That a true, full and correct copy of the aforesaid Resolution passed at the meeting described in the above and forgoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in the minutes of said Meeting; that the above and forgoing paragraph is a true, full, and correct excerpt from the minutes of said Meeting pertaining to and passage of said Resolution; that the persons named in the above and forgoing paragraph are the duly appointed, qualified, and acting members of the Board of Managers of said District as indicated therein; that each of the members of the Board of Managers of said District was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of aforesaid Meeting, and that said Resolution would be introduced and considered for passage at said Meeting, and that each of said members consented, in advance, to holding of said Meeting for such purpose; and that said Meeting was open to the public, and public notice of the date, time, place, and purpose of said Meeting was given all as required by Texas Government Code, §551.001 et.seq.

SIGNED AND SEALED THIS 22nd day of August, 2023.

ATTEST:

Jonny F. Hipp
Secretary, Board of Managers

{NCHD SEAL}