



BOARD OF MANAGERS RESOLUTION
AUGUST 22, 2023

**A RESOLUTION COMMITTING A FISCAL YEAR-END GENERAL FUND AMOUNT
TO SUBSEQUENT FISCAL YEAR'S INTERGOVERNMENTAL TRANSFERS**

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, the Hospital District's Board of Managers (the "Board") have been duly appointed pursuant to Health Code, §281.021(a); pursuant to collective authorities of Health Code, §281.047 and §281.048, the Board is the Hospital District's governing body and 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 District;

WHEREAS, the Hospital District's Administrator (the "Administrator") has the responsibility for preparing an annual budget under the Board's direction pursuant to Health Code, §281.091(a); the District's Fiscal Year 2023 is October 1, 2022 through September 30, 2023 ("Hospital District Fiscal Year 2023"); and the District's Fiscal Year 2024 is October 1, 2023 through September 30, 2024 ("Hospital District Fiscal Year 2024");

WHEREAS, the Hospital District is a governmental entity participating in certain Medicaid supplemental and directed payment programs organized by the Texas Health & Human Services Commission (the "Commission") during Hospital District Fiscal Year 2023, including: [1] the Texas Healthcare Transformation and Quality Improvement Program Section 1115 Waiver ("Waiver"); [2] Disproportionate Share Hospital Program ("DSH"); [3] Network Access Improvement Program ("NAIP"); [4] Uniform Hospital Rate Increase Program ("UHRIP"); [5] Fee-For-Service Program ("FFS"); and [6] Directed Payment Programs ("DPP");

WHEREAS, the Waiver includes two provider funding pools that rely on local intergovernmental transfers ("IGTs"): [1] Uncompensated Care ("UC"); and [2] Delivery System Reform Incentive Payment ("DSRIP");

WHEREAS, pursuant to 1 Texas Administrative Code §354.1602, the Waiver's Demonstration Years ("DY") are a 12-month period beginning each October 1 and ending September 30; and the Waiver's DY No. 12 began October 1, 2022 and ends September 30, 2023;

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WHEREAS, pursuant to the authority of Health Code, §281.094(b), the Hospital District provides IGTs to the State of Texas for use as the nonfederal share of Waiver-related UC and DSRIP payments for certain eligible health care providers located inside and outside the District's boundaries that periodically provide healthcare services to beneficiaries enrolled in the District's indigent health care program and residents of Nueces County, Texas, including Christus Spohn Hospital-Alice, Christus Spohn Hospital-Beeville, Christus Spohn Hospital-Corpus Christi, Christus Spohn Hospital-Kleberg, Corpus Christi Medical Center, Corpus Christi-Nueces County Public Health District, DeTar Healthcare System, and Driscoll Children's Hospital (collectively, the "Eligible Providers");

WHEREAS, under terms of the Waiver, Eligible Providers who are: [1] hospitals receive UC payments designed to offset the costs of uncompensated care; and [2] hospitals and other providers receive DSRIP incentive payments and DPP payments and for achievement of agreed-upon metrics associated with projects designed to achieve certain Waiver and program goals;

WHEREAS, due to Eligible Providers' partially-reported and/or Commission-delayed approval of Providers' DSRIP achievement metrics reporting for DY No. 12 and the Commission's split of UC payments during DY No. 12, the Commission has delayed its request to the Hospital District for IGTs associated with Eligible Providers' DY No. 12 DSRIP and/or UC payments until a date occurring after Hospital District Fiscal Year 2023 (the "Unpaid DY No. 12 IGTs");

WHEREAS, in addition to the preceding, the Commission is expected to delay or has delayed requests to the Hospital District for IGTs associated with certain Eligible Providers' participation in the DSH, NAIP, UHRIP, FFS, and DPP until a date occurring after Hospital District Fiscal Year 2023 (the "Other Unpaid Program IGTs"); and

WHEREAS, in consideration of the preceding recitals, the Board desires to commit an amount not to exceed **\$15,000,000** from the Hospital District's fiscal year-end September 30, 2023 General Fund balance to fund the Unpaid DY No. 12 IGTs and Other Unpaid Program IGTs in Hospital District Fiscal Year 2024.

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

1. The Board hereby commits an amount not to exceed **\$15,000,000** from the Hospital District's fiscal year-end September 30, 2023 General Fund balance to Hospital District Fiscal Year 2024 to fund the Unpaid DY No. 11 IGTs and Other Unpaid Program IGTs in Hospital District Fiscal Year 2024 for incurred, but unrequested, unpaid, and Commission-delayed expenditures arising from the District's and Eligible Providers' participation in the UC, DSRIP, DSH, NAIP, UHRIP, FFS, and DPP during Hospital District Fiscal Year 2023.
2. The actual amount committed above shall be final-determined by the Hospital District's Administrator on or after October 1, 2023 considering information then available from the Commission and/or Eligible Providers, however, the actual committed amount shall not exceed the amount in Resolved #1 above.
3. The actual committed funds above shall be committed from the Hospital District General Fund subaccount containing District funds routinely used for paying Waiver-related IGTs.

4. The Administrator shall be and is expressly authorized and directed to do and perform all acts, and to execute all instruments and other related documents, whether 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.
5. The Administrator, in his capacity as the Secretary of the Hospital District Board, be and is hereby legally authorized and empowered to perform all acts described above and certify these resolutions and that the provisions hereof are in conformance with the laws of the State of Texas and the Governing Board Bylaws of the Hospital District.
6. This Resolution shall take effect and be in full force and effect upon and after its passage.
7. The Board retains its right to amend or repeal this Resolution.

**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

**CERTIFICATE FOR RESOLUTION
A RESOLUTION COMMITTING A FISCAL YEAR-END GENERAL FUND AMOUNT
TO SUBSEQUENT FISCAL YEAR'S INTERGOVERNMENTAL TRANSFERS**

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}