



NUECES COUNTY HOSPITAL DISTRICT

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BOARD OF MANAGERS RESOLUTION **MARCH 2, 2018**

A RESOLUTION AUTHORIZING FISCAL YEAR 2018 FUNDING FOR NUECES COUNTY MENTAL HEALTH-RELATED COMMUNITY COLLABORATIVE PROGRAMS

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;

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 Resolution had, full power and authority to manage, control, administer, and to adopt rules governing operation of the District;

WHEREAS, the Hospital District's current fiscal year is October 1, 2017 - September 30, 2018 ("FY 2018")

WHEREAS, the Board previously adopted an annual budget for the Hospital District's FY 2018 and said budget was subsequently approved by Nueces County Commissioners Court ("Commissioners Court") (the "FY 2018 Annual Budget");

WHEREAS, the 85th Texas Legislature at Texas Government Code, §539.0051 required the governing bodies of counties to develop and make public a plan detailing how local mental health authorities, municipalities, local law enforcement, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to bring public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or mental illness, and diversion of persons from jails or other detention facilities for the purpose of providing mental health services, including services for associated substance abuse issues, to those persons;

WHEREAS, the Behavioral Health Center of Nueces County (the "BHCNC") is authorized by and was established pursuant to Health Code, Title 7, Chapter 534, Subchapter A (the "Mental Health Code"), to provide mental health services in the community;

WHEREAS, pursuant to the Mental Health Code, §534.001(c), the BHCNC is an agency of the state, a governmental unit, and a unit of local government as defined and specified by Chapters 101 and 102, Civil Practice and Remedies Code; a local government, as defined by §791.003, Government Code;

WHEREAS, it is expected that Commissioners Court will request that the Board consider funding certain mental health-related community collaborative programs to be provided by or through the BHCNC relating to diversion of persons from jails or other detention facilities for the purpose of providing mental health services, including services for associated substance abuse issues, to those persons with said programs to be started during Fiscal Year 2018; and the Board is amenable to undertaking such a request, subject to the availability of sufficient funding;

WHEREAS, the BHCNC has previously operated/provided local programs relating to diversion of persons from jails or other detention facilities for the purpose of providing mental health services, including services for associated substance abuse issues, to those persons and such programs included crisis services and jail diversion, magistrate courts orders and pre-trial diversion, local competency restoration, and other similar and related programs; although such programs were generally considered successful by parties associated with those programs then, said programs were eventually terminated due to loss of funding;

WHEREAS, Health Code, §281.094(a) authorizes the Board, with the approval of Commissioners Court, to use funds made available to the Hospital District from sources other than a tax levy to fund health care services, including mental health services;

WHEREAS, Health Code, §281.094 does not authorize the Board to use Hospital District funds, from any source, for homelessness-related programs; and

WHEREAS, Texas Government Code, Chapter 791, authorizes contracts between local government agencies to perform governmental functions, inclusive of Texas Government Code, §791.025 which permits agreements (interlocal contracts) between local governments for the purchase of goods and services and satisfies the requirement of local governments to seek competitive bids for the purchase of goods and services.

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

1. 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 amend the FY 2018 Annual Budget to incorporate an amount not to exceed _____ with said amendment to be effective _____ for support of mental health-related community collaborative programs relating to diversion of persons from jails or other detention facilities for the purpose of providing mental health services, including services for associated substance abuse issues, to those persons for the remainder of FY 2018 with such programs to be provided by or through the BHCNC as approved by Commissioners Court (the "Community Collaborative Funding"). The Community Collaborative Funding shall not be used for homelessness-related programs.

2. The Community Collaborative Funding shall be conditioned on any necessary Commissioners Court budget and spending approvals and Commissioners Court, the BHCNC, and Hospital District jointly entering into an interlocal contract detailing the duties and obligations of each of the parties, including that the Hospital District's duties and obligations shall: (a) be limited to providing only funding for support of mental health-related community collaborative programs relating to diversion of persons from jails or other detention facilities for the purpose of providing mental health services, including services for associated substance abuse issues, that are approved by Commissioners Court and provided by or through the BHCNC; and (b) not include funding for or be used for homelessness-related programs.

3. The Board hereby authorizes and directs the Administrator to disburse the Community Collaborative Funding on a basis, schedule, and in a manner he determines is reasonable and appropriate following receipt of any necessary Commissioners Court approvals and commencement of the joint interlocal contract between Commissioners Court, the BHCNC, and the Hospital District.

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 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.

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**

Van Huseman
Chairman

Claude C. Jennings, C.P.A.
Vice Chairman

Rodney J. Hart, P.E.
Member

Robert N. Corrigan, Jr.
Member

John E. Valls
Member

Ted A. Daniel
Member

Sylvia Tryon Oliver
Member

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

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.

3. On the **2nd day of March, 2018** the Board convened in a special meeting at the Hospital District's regular meeting place (the "Meeting"), the duly constituted members and officers of the Board being as follows:

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

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

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

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

5. The attached Resolution 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 Resolution 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 Resolution, 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 Resolution 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 **2nd day of March, 2018**.

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

{HOSPITAL DISTRICT SEAL}