



NUECES COUNTY HOSPITAL DISTRICT
Administrative Offices

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BOARD OF MANAGERS RESOLUTION
SEPTEMBER 12, 2016

**A RESOLUTION COMMITTING A FISCAL YEAR-END GENERAL FUND AMOUNT
TO SUBSEQUENT FISCAL YEAR 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, and the Hospital District’s current fiscal year is October 1, 2015 through September 30, 2016 and the District’s subsequent fiscal year is October 1, 2016 through September 30, 2017;

WHEREAS, the Hospital District is a governmental entity participating in certain Medicaid supplemental payment programs organized by the Texas Health & Human Services Commission (the “Commission”), including the Texas Healthcare Transformation and Quality Improvement Program Section 1115 Waiver (the “Waiver”) implemented under Section 1115, Social Security Act (42 U.S.C. Section 1315); the Waiver is organized by the Commission and 1 Texas Administrative Code §354.1601 – §354.1634; the Waiver includes two provider funding pools: (i) Uncompensated Care (“UC”) for participating hospital providers only; and (ii) the Delivery System Reform Incentive Payment (“DSRIP”) for hospitals and other all participating providers; pursuant to 1 Texas Administrative Code §354.1602, the Waiver’s Demonstration Years (“DY”) begin October 1 and end September 30; and the Waiver’s DY No. 5 began October 1, 2015 and ends September 30, 2016;

WHEREAS, pursuant to the authority of Health Code, §281.094(b), the Hospital District funds intergovernmental transfers (“IGT”) 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 (i) hospitals receive Waiver UC payments designed to offset the costs of uncompensated care; and (ii) hospitals and other providers receive Waiver DSRIP incentive payments for achievement of agreed-upon metrics associated with projects designed to achieve certain Waiver goals;

WHEREAS, due to Eligible Providers’ partially reported or delayed reporting of DSRIP achievement metrics for DY 5, the Commission’s adjustment of available UC Waiver payments during DY 5, and the Commission’s recoupment in DY 5 of a portion of an Eligible Provider’s UC Waiver payments paid in prior years, the Commission has delayed its request to the Hospital District for IGTs associated with Eligible Providers’ DY No. 5 UC and/or DSRIP payments until a date occurring after September 30, 2016 (the “Unpaid DY No. 5 IGTs”); and

WHEREAS, in consideration of the above, the Board desires to commit from the Hospital District’s fiscal year-end September 30, 2016 General Fund balance an amount sufficient to fund the Unpaid DY No. 5 IGTs in the subsequent fiscal year.

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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 commits an amount not to exceed **Fifteen Million Dollars (\$15,000,000)** from the Hospital District's fiscal year-end September 30, 2016 General Fund balance to the subsequent fiscal year to fund anticipated additional expenditures for the Unpaid DY No. 5 IGTs arising from the District's and Eligible Providers' Waiver participation during the District's fiscal year ending September 30, 2016.

2. The actual amount committed above shall be determined by the Hospital District's Administrator on or after October 1, 2016 considering information then available from Eligible Providers and/or the Commission and said amount shall not exceed the amount resolved above.

3. The committed funds above shall be committed from the particular General Fund subaccount containing funds routinely used for disbursing 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 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**

**Irma Caballero
Member**

**Robert N. Corrigan, Jr.
Member**

**John E. Valls
Member**

**Ted A. Daniel
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 Resolution had, full power and authority to manage, control, administer, and to adopt rules governing operation of the Hospital District.

3. On the 12th day of September, 2016 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, Chairman
- Claude C. Jennings, C.P.A., Vice Chairman
- Rodney J. Hart, P.E.
- Irma Caballero
- Robert N. Corrigan, Jr.
- John E. Valls
- Ted A. Daniel

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 resolution entitled:

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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:

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

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 12th day of September, 2016.

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

