



# NUECES COUNTY HOSPITAL DISTRICT

## Administrative Offices

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### **BOARD OF MANAGERS RESOLUTION** **SEPTEMBER 8, 2020**

#### **A RESOLUTION INCORPORATING FISCAL YEAR 2021 ANNUAL BUDGET FUNDING FOR THE NUECES CENTER FOR MENTAL HEALTH AND INTELLECTUAL DISABILITIES**

**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 "Hospital District 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**, 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); and the District's Fiscal Year 2021 is October 1, 2020 through September 30, 2021;

**WHEREAS**, the Hospital District has certain funds made available to it 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**, the Nueces Center for Mental Health and Intellectual Disabilities (the "NCMHID") is authorized by and was established pursuant to Health Code, Title 7, Chapter 534, Subchapter A (the "MHMR Code"), to provide mental health and mental retardation services in the community;

**WHEREAS**, pursuant to the MHMR Code, §534.001(c), the NCMHID 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; a local government for the purposes of Chapter 1084, Acts of the 70<sup>th</sup> Legislature, Regular Session, 1987; and a political subdivision for the purposes of Chapter 172, Local Government Code;

**WHEREAS**, previously in August 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019 Nueces County Commissioners Court (the “Commissioners Court” or “Court”) requested that the Hospital District Board provide funding for certain Health Code, §281.094(a)-permitted purposes in 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, and 2020 Annual Budgets;

**WHEREAS**, Commissioners Court has requested, pursuant to Health Code, §281.094(a), that the Hospital District Board appropriate within the District’s Fiscal Year 2021 Annual Budget (the “FY 2021 Annual Budget”), funds sufficient to provide local match, services, and other funding for the NCMHID (the “NCMHID Services”) and the Hospital District Board is amenable to said request, subject to the continuing availability of funds sufficient from the Hospital District’s Non-Tax Funds;

**WHEREAS**, considering Commissioners Court’s request, the Hospital District Board desires to make available in the District’s FY 2021 Annual Budget, funds sufficient to provide for the NCMHID Services in the aggregate amount of **\$969,129.00** (the “NCMHID Services Funding Amount”) as further detailed and described in the “Nueces Center for Mental Health and Intellectual Disabilities Funding Schedule - Fiscal Year 2021” attached hereto and identified as “Attachment “A”” which is incorporated herein by reference;

**WHEREAS**, the NCMHID Services are mental health and mental retardation services and the related NCMHID Services Funding Amount to be paid by the Hospital District from the Hospital District’s Non-Tax Funds pursuant to this Resolution are revenues 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 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 under Health Code, §281.094(a), Health Code, §281.094(a) provides that, with the approval of Commissioners Court, the Hospital District Board may use funds made available to the Hospital District from sources other than a tax levy to fund health care services, including mental health and mental retardation services; 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 Hospital District Board hereunder, and he is legally authorized and capable of performing such acts.

**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 to be appropriated from the General Fund pursuant to this Resolution for payment of the NCMHID Services Funding Amount are funds made available to the Hospital District from sources other than a tax levy and any disbursement of said funds is a statutorily authorized expenditure as described in Health Code, §281.094(a) and thereby qualifies as a portion of the District's annual claims 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 Hospital District Board hereby directs the Administrator to incorporate into the District's FY 2021 Annual Budget an amount equal to **\$969,129.00** to provide for the NCMHID Services shown in Attachment "A" titled "Nueces Center for Mental Health and Intellectual Disabilities Funding Schedule - Fiscal Year 2021" attached hereto.
4. The Hospital District Board hereby authorizes and directs the Administrator to disburse the NCMHID Services Funding Amount to the NCMHID in equal quarterly portions, or otherwise on a payment schedule he otherwise determines is reasonable and appropriate following commencement of the District's Fiscal Year 2021.
5. The Administrator is hereby authorized and directed to establish any additional procedures and requirements that are reasonable and appropriate for disbursing the NCMHID Services Funding Amount and, if needed, the NCMHID's accounting, reporting, and utilization thereof to the Hospital District.
6. 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.
7. 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 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.

**NUECES COUNTY HOSPITAL DISTRICT  
BOARD OF MANAGERS**

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John B. Martinez, J.D.  
Chairman

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Sylvia Tryon Oliver  
Vice Chairman

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Belinda Flores, R.N.  
Member

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Vishnu V. Reddy, M.D.  
Member

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Daniel W. Dain  
Member

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John E. Valls  
Member

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Mariana Garza  
Member

**Attachment "A"**

**NUECES CENTER FOR MENTAL HEALTH AND INTELLECTUAL DISABILITIES  
FUNDING SCHEDULE - FISCAL YEAR 2021  
(October 1, 2020 - September 30, 2021)**

<b>Item #</b>	<b>Function/Description/Program/Purpose</b>	<b>Amount</b>
1	Community Center's local match to draw down state funds from the Texas Health and Humans Services Commission for mental health and intellectual disability services.	\$562,129
2	Continue previous Nueces County commitments relating to adolescent inpatient care and youth services.	60,000
3	Court assistance in the involuntary commitment process.	75,000
4	Local matching funds to draw down state funds from the Texas Health and Human Services Commission to prevent and/or reduce psychiatric bed day use by enhancement of crisis respite services.	75,000
5	Local matching funds to draw down additional state and federal funds for Center services.	65,000
6	Medication and related services to children and adult consumers.	132,000
<b>Total</b>		<b>\$969,129</b>

**CERTIFICATE FOR RESOLUTION  
A RESOLUTION INCORPORATING FISCAL YEAR 2021  
ANNUAL BUDGET FUNDING FOR THE  
NUECES CENTER FOR MENTAL HEALTH AND INTELLECTUAL DISABILITIES**

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 8<sup>th</sup> day of September, 2020, 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 B. Martinez, J.D., Chairman  
Sylvia Tryon Oliver, Vice Chairman  
Belinda Flores, R.N.  
Vishnu V. Reddy, M.D.  
Daniel W. Dain  
John E. Valls  
Mariana Garza

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

**A RESOLUTION INCORPORATING FISCAL YEAR 2021  
ANNUAL BUDGET FUNDING FOR THE  
NUECES CENTER FOR MENTAL HEALTH AND INTELLECTUAL DISABILITIES**

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 8<sup>th</sup> day of September, 2020.

**ATTEST:**

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Jonny F. Hipp  
Secretary, Board of Managers

{NCHD SEAL}