



NUECES COUNTY HOSPITAL DISTRICT

Administrative Offices

555 N. Carancahua Street, Suite 950
Corpus Christi, Texas 78401-0835

Phone: (361) 808-3300
Fax: (361) 808-3274

BOARD OF MANAGERS RESOLUTION **MAY 16, 2017**

A RESOLUTION RELATING TO A NOMINATION TO TEXAS CONFERENCE OF URBAN COUNTIES FOR SERVICE ON THE TOBACCO SETTLEMENT PERMANENT TRUST ACCOUNT ADMINISTRATION ADVISORY COMMITTEE

WHEREAS, the Nueces County Hospital District (the "Hospital District" or "District") is 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 Board of Managers of the Hospital District (the "Board") is the governing body of the Hospital District, pursuant to Health Code, §281.048, and pursuant to the collective authorities of the 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 District;

WHEREAS, the Hospital District was an "intervenor applicant" and signatory on the Agreement Regarding Disposition of Settlement Proceeds filed on July 24, 1998, in the United States District Court, Eastern District of Texas, in the case titled *The State of Texas v. The American Tobacco Company, et al.* No. 5-96CV-91;

WHEREAS, the Health Code, §12.137(b) states, in part, that the Tobacco Settlement Permanent Trust Account Administration Advisory Committee (the "Advisory Committee") shall be composed of eleven members of which four members shall be appointed by the Texas Conference of Urban Counties (the "CUC") from nominations received from political subdivisions that, in the year preceding the appointment, received the 3rd through 12th largest annual distributions paid from the Tobacco Settlement Permanent Trust Account, and the Hospital District is one of these entities;

WHEREAS, the Advisory Committee (i) reviews the rules that determine how much of the annual distribution from the tobacco settlement fund each eligible entity receives; (ii) reviews the results of related distribution audits and (iii) works with the Texas Department of State Health Services which manages the collection of expenditure data upon which are based the allocation of distributions from the Tobacco Settlement Permanent Trust Account;

WHEREAS, in 1998, the Hospital District's Administrator, **Jonny Hipp**, directly participated in the initial Advisory Committee's drafting of certain annual claim rules relating to

political subdivisions that had sold or leased a health care facility, and said rules were subsequently adopted into Texas Administrative Code, Title 25, Part 1, Chapter 102, §102.3(e)(2);

WHEREAS, Mr. Hipp completed an initial term on the Advisory Committee ending August 31, 2011 and is currently completing a subsequent term expiring on August 31, 2017;

WHEREAS, pursuant to Health Code, §12.137(f) Advisory Committee members serve staggered six-year terms expiring on August 31st of each odd-numbered year; and pursuant to Health Code, §12.137(h) Advisory Committee members may not receive compensation from the trust fund or the state for service on the advisory committee and may not be reimbursed from the trust fund or the state for travel expenses incurred while conducting the business of the advisory committee;

WHEREAS, Health Code, §12.137(c) requires that Commissioners Court approve any person appointed by the Hospital District to serve on the Advisory Committee; and

WHEREAS, the Board believes it would be beneficial to the recipients of Settlement Proceeds and CUC to retain “institutional memory” on the Advisory Committee and the Board desires to place a responsible Advisory Committee nomination with the CUC.

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

1. The Board hereby nominates **Jonny Hipp** to the Texas Conference of Urban Counties for service on the Tobacco Settlement Permanent Trust Account Administration Advisory Committee for the term expiring August 31, 2023.
2. The Board hereby directs the Administrator to submit this nomination to Commissioners Court for its consideration toward approval.
3. 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 District.
4. 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**

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. Daniels
Member

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**CERTIFICATE FOR RESOLUTION
A RESOLUTION RELATING TO
A NOMINATION TO TEXAS CONFERENCE OF URBAN COUNTIES
FOR SERVICE ON THE TOBACCO SETTLEMENT PERMANENT
TRUST ACCOUNT ADMINISTRATION ADVISORY COMMITTEE**

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §

We, the undersigned Secretary and General Counsel 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 16th day of May, 2017, at the regular meeting place, and the roll was called of the duly constituted officers and members of said Board of Managers, to wit:

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. 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: _____

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 16th day of May, 2017.

ATTEST:

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

{SEAL}

ATTEST:

Wm. DeWitt Alsup
General Counsel
Nueces County Hospital District