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BOARD OF MANAGERS RESOLUTION

APRIL 23, 2024

**AUTHORIZE ADMINISTRATOR TO ACT ON BEHALF OF
NUECES COUNTY HOSPITAL DISTRICT
IN ALL MATTERS RELATING TO FUNDS DISTRIBUTED BY THE
TEXAS OPIOID ABATEMENT FUND COUNCIL**

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, including Texas Government Code, §403.508(a)(2) and 34 Texas Administrative Code, §16.222 relating to the distribution of opioid settlement funds and hospital districts’ receipt of those funds;

WHEREAS, Texas Government Code, §403 *et seq.* added by Acts 2021, 87th Legislature, Regular Session, Chapter 781 (S.B. 1827), effective June 16, 2021 and 34 Texas Administrative Code, §16.222 adopted to be effective March 18, 2024 at *49 Texas Register 1735*;

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 suffered and continues to suffer harm as a result of the ongoing opioid epidemic and, accordingly, intends to accept money distributed to the Hospital District by the Texas Opioid Abatement Fund Council (“the Council”) under Texas Government Code, §403.508(a)(2) and 34 Texas Administrative Code, §16.222 and use that money to remediate the opioid crisis; and

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WHEREAS, 34 Texas Administrative Code, §16.222(i)(1) *et seq.* requires the Hospital District, prior to, and as a condition of, receiving a distribution of opioid settlement funds submit to the Comptroller of Public Accounts a governing body resolution that: (A) designates, by name and title, an authorized official who has the authority to act on behalf of the hospital district in all matters related to the distribution, including the authority to sign all official documents related to the distribution; (B) affirms that the hospital district will use all the opioid settlement funds received by the hospital district; and (C) affirms that, in the event of loss or misuse of grant funds, the hospital district shall return all funds to the opioid settlement fund.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MANAGERS THAT:

1. That Mr. Jonny F. Hipp, the Hospital District’s Administrator, has the authority to act on behalf of the District in all matters related to the above-mentioned money distributed by the Council to the District, including the authority to sign all official documents related to the distribution.
2. That all the above-mentioned money received from the Council by the District will be used:
 - a) to remediate the opioid crisis, including providing assistance in one or more of the following categories: treatment and coordination of care; prevention and public safety; recovery support services; or workforce development and training; or
 - b) if a court order or settlement agreement requires the money to be used for one or more specific purposes, for a permissible use provided by that court order or settlement agreement.
3. That the Hospital District will return to the Council all the above-mentioned money received from the Council by the District in the event of loss or misuse of such money.
4. That if there is a change of authorized official, the Hospital District will submit to the director of the Council a new resolution from the District's governing body that contains the information required under 34 Texas Administrative Code, §16.222(i)(1).
5. That this Resolution takes effect immediately after its passage.

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**NUECES COUNTY HOSPITAL DISTRICT
BOARD OF MANAGERS**

John E. Valls, M.B.A.
Chairman

Vishnu V. Reddy, M.D.
Vice Chairman

Sylvia Tryon Oliver
Member

Belinda Flores, R.N.
Member

Judge Mariana Garza
Member

Efrain Guerrero, Jr.
Member

Arthur Granado
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 23rd day of April 2024 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:

- John E. Valls, M.B.A.
- Vishnu V. Reddy, M.D.
- Sylvia Tryon Oliver
- Belinda Flores, R.N.
- Judge Mariana Garza
- Efrain Guerrero, Jr.
- Arthur Granado

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 an 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.

8.

IN WITNESS WHEREOF, I have hereunto signed my name officially and affixed the seal of the Hospital District on this 23rd day of April 2024.

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

{HOSPITAL DISTRICT SEAL}