



**NUECES COUNTY HOSPITAL DISTRICT**  
Administrative Offices

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**BOARD OF MANAGERS RESOLUTION**  
**JANUARY 22, 2013**

**A RESOLUTION SUPPORTING LEGISLATION RELATING TO USE OF  
NUECES COUNTY HOSPITAL DISTRICT FUNDS FOR INTERGOVERNMENTAL  
TRANSFERS TO THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION  
FOR THE NON-FEDERAL SHARE OF MEDICAID SUPPLEMENTAL,  
WAIVER-RELATED, AND OTHER SIMILAR PAYMENTS TO  
HEALTHCARE PROVIDERS LOCATED IN OR OUTSIDE OF THE DISTRICT**

**WHEREAS**, the Nueces County Hospital District (the "Hospital 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, including Texas Local Government Code (the "Local Government Code"), Chapter 262;

**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**, Health Code, §281.094 specifically relates to the use of funds by the Hospital District: §281.094 (a) provides that with approval of Commissioners Court, the Board may use non-tax levy funds to fund health care services, including public health services, mental health and mental retardation services, emergency medical services, health services provided to persons confined in jail facilities, and for other health related purposes; and §281.094(b) provides that the Board may use funds from any source to fund indigent health care;

**WHEREAS**, the Hospital District has an extended history of participating in, presently participates in, and expects to continue participating in federally-approved statewide programs sponsored by the Texas Health and Human Services Commission (the "Commission") that require intergovernmental transfers to the Commission for the non-federal share of Medicaid supplemental, waiver-related, and other similar payments to healthcare providers located in or outside of the District; and

**WHEREAS**, the Hospital District desires to eliminate any potential ambiguity relating to and confirm the use of the District's funds from any source for intergovernmental transfers to the Commission for the non-federal share of Medicaid supplemental, waiver-related, and other similar payments to healthcare providers located in or outside of the District by amending Health Code, §281.094(b) to so provide.

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

1. The Board hereby supports the adoption of legislation that will establish statutory clarity relating to the use of Hospital District funds from any source for intergovernmental transfers to the Commission for the non-federal share of Medicaid supplemental, waiver-related, and other similar payments to healthcare providers located in or outside of the District by amending Health Code, §281.094(b) to so provide.
2. The Administrator shall be and is expressly authorized and directed to do and perform any and all acts, and to execute any and 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.
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 its passage.

**NUECES COUNTY HOSPITAL DISTRICT  
BOARD OF MANAGERS**

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Van Huseman  
Chairman

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

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Charles Wilson  
Member

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Raymond F. Wetegrove  
Member

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Rodney J. Hart, P.E.  
Member

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Dan Winship  
Member

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Irma Caballero  
Member

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**CERTIFICATE OF SECRETARY**

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

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On the **22<sup>nd</sup> day of January, 2013**, the Board of Managers (the "Governing Body") of the Nueces County Hospital District (the "District") convened in regular session at the District (the "Meeting"), the duly appointed and constituted members and officers of the Governing Body being as follows:

- Van Huseman, Chairman
- Claude C. Jennings, C.P.A., Vice Chairman
- Charles Wilson
- Raymond F. Wetegrove
- Rodney J. Hart, P.E.
- Dan Winship
- Irma Caballero

and all of such persons were present, except the following \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, thus constituting a quorum. Among other business considered at the Meeting, the attached resolution (the "Resolution") entitled:

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was introduced and submitted to the Governing Body for passage and adoption. After presentation and discussion of the Resolution, it was then duly moved and seconded that the Resolution be finally passed and adopted. The motion prevailed and carried by the following vote:

- Voted "For": \_\_\_\_\_
- Voted "Against": \_\_\_\_\_
- Abstained: \_\_\_\_\_
- Present, Not Voting: \_\_\_\_\_

all as shown in the official Minutes of the Governing Body for the Meeting.

2. The attached Resolution is a true and correct copy of the original on file in the official records of the District; the duly qualified and acting members of the Governing Body on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Governing Body 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.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the District, **22<sup>nd</sup> day of January, 2013.**

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

(DISTRICT SEAL)