



NUECES COUNTY HOSPITAL DISTRICT
Administrative Offices

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BOARD OF MANAGERS RESOLUTION
AUGUST 27, 2013

**A RESOLUTION INCORPORATING FISCAL YEAR 2014 OPERATING BUDGET
MATCH AND OTHER FUNDING FOR THE NUECES COUNTY MENTAL HEALTH AND
MENTAL RETARDATION COMMUNITY CENTER**

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; 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 Hospital District’s Fiscal Year 2014 is October 1, 2013 through September 30, 2014;

WHEREAS, the District receives certain revenues from Christus Spohn Health System Corporation (“Member Revenues”), said revenues are funds made available to the District from sources other than a tax levy as described in Health Code, §281.094(a), and when Member Revenues 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 the Texas Administrative Code, Title 25, Part 1, Chapter 102, Rule §102.3(e)(2);

WHEREAS, the Nueces County Mental Health and Mental Retardation Community Center (the “Community Center” or “Center”), 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 Community Center 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 70th Legislature, Regular Session, 1987; and a political subdivision for the purposes of Chapter 172, Local Government Code;

WHEREAS, in August 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, and 2013 Nueces County Commissioners Court (the “Commissioners Court” or “Court”) requested that the Hospital District Board provide local match and other funding to the Community Center in the District’s related Fiscal Years 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, and 2014 Operating Budgets;

WHEREAS, in August 2014, Commissioners Court requested that the Hospital District Board appropriate, in the District’s Fiscal Year 2014 Operating Budget (the “FY 2014 Operating Budget”), funds sufficient to provide local match and other funding for the Community Center (the “Community Center Services”) pursuant to Health Code, §281.094(a), and the Hospital District Board is amenable to and has undertaken such request, subject to the continuing availability of funds sufficient from the Member Revenues;

WHEREAS, considering Commissioners Court’s request above, the Hospital District Board desires to make available in the District’s FY 2014 Operating Budget, funds sufficient to provide for the Community Center Services in the aggregate amount of **\$969,129.00** (the “Community Center Services Funding Amount”) as further detailed and described in the “Nueces MHMR Community Center Funding Schedule FY 2014” attached hereto and identified as “Exhibit #1” and incorporated herein by reference;

WHEREAS, the Community Center Services are mental health and mental retardation services and the related Community Center Services Funding Amount to be paid by the Hospital District from the Member Revenues 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 the Texas Administrative Code, Title 25, Part 1, Chapter 102, Rule §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 Member Revenues to be appropriated from the General Fund pursuant to this Resolution for payment of the Community Center Services Funding Amount are funds made available to the 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 the Texas Administrative Code, Title 25, Part 1, Chapter 102, Rule §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 2014 Operating Budget an amount equal to **\$969,129.00** to provide for Community Center Services as shown and described in Exhibit #1 attached hereto.
4. The Hospital District Board hereby authorizes and directs the Administrator to disburse the Community Center Services Funding Amount to the Community Center in equal quarterly portions, or on a payment schedule he otherwise determines is reasonable and appropriate following commencement of the District's Fiscal Year 2014.
5. The Administrator is hereby authorized and directed to establish any additional procedures and requirements that are reasonable and appropriate for disbursing the Community Center Services Funding Amount and, if needed, the Community Center'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**

Van Huseman
Chairman

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

Charles Wilson
Member

Raymond F. Wetegrove
Member

Rodney J. Hart, P.E.
Member

Dan Winship
Member

Irma Caballero
Member

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EXHIBIT #1

**NUECES MHMR COMMUNITY CENTER FUNDING SCHEDULE
FISCAL YEAR 2014
(October 1, 2013 - September 30, 2014)**

Item	Description	Amount
1	Community Center's local match to draw state funds from the Texas Department of Mental Health and Mental Retardation.	\$402,202
2	Continue previous Nueces County commitments relating to adolescent inpatient care and youth services.	109,146
3	Court assistance in the involuntary commitment process.	65,000
4	Services to prevent and/or reduce psychiatric bed day use.	67,129
5	Local matching funds to draw down additional state and federal funds for Center services.	35,652
6	Funding for respite and other services aimed at supporting persons with mental retardation living in community rather than institutions.	40,000
7	Medication and related services to children and adult consumers.	250,000
	Total	\$969,129

**CERTIFICATE FOR RESOLUTION
A RESOLUTION INCORPORATING FISCAL YEAR 2014 OPERATING BUDGET
MATCH AND OTHER FUNDING FOR THE NUECES COUNTY MENTAL HEALTH AND
MENTAL RETARDATION COMMUNITY CENTER**

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 special meeting on the 27th day of August, 2013, 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
Charles Wilson
Raymond F. Wetegrove
Rodney J. Hart, P.E.
Dan Winship
Irma Caballero

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 27th day of August, 2013.

ATTEST:

Jonny F. Hipp
Secretary, Board of Managers

{SEAL}

ATTEST:

Wm. DeWitt Alsup
General Counsel