

**NUECES COUNTY HOSPITAL DISTRICT
BOARD OF MANAGERS
Board of Managers - Regular Meeting
Tuesday, May 23, 2023 at 12:00 PM**

AGENDA

1. WELCOME

2. ROLL CALL OF BOARD OF MANAGERS

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

3. CALL TO ORDER, ESTABLISHMENT OF QUORUM, MEETING POSTING CONFIRMATION, AND CLOSED MEETING NOTICE

A. Call to order.

B. Establish quorum.

C. Confirm posting of Meeting's public notice in accordance with Texas Open Meetings Act, Texas Government Code, Chapter 551.

D. Public notice is hereby given that the Board of Managers may elect to go into Closed Meeting session(s) at any time during the meeting to discuss any matter(s) listed on the agenda when so authorized by the provisions of the Open Meetings Act, Texas Government Code, Chapter 551.

4. ANNOUNCEMENT ON DISCLOSURE OF CONFLICTS OF INTEREST. Any Conflicts of Interest or Appearance of a Conflict of Interest with items on this agenda shall be declared at this time. Members with conflicts will refrain from voting and are asked to refrain from discussion on such items. Conflicts discovered later in the meeting shall be disclosed at that time.

5. PUBLIC COMMENT - Persons attending in-person and wishing to comment on any item(s) on the agenda or any subject within the Board's responsibilities must sign-in on the "Agenda Item Request to Speak" form provided at the entrance of the Board meeting room at least five (5) minutes prior to commencement of the meeting. Persons attending via audio or video conference and wishing to comment on any item(s) on the agenda or any subject within the Board's responsibilities must verbally notify the presiding officer of their

desire to comment when the officer calls for public comment from those attending via audio and video conference. Commenters shall limit their comments to three (3) minutes, except that Commenters addressing the Board through a translator shall limit their comments to six (6) minutes.

6. CONSENT AGENDA - The Consent Agenda consists of those agenda items which are routine, administrative in nature, not in need of separate attention, and which a member of the Board has not requested be discussed separately. If requested to be discussed separately, that agenda item will be removed from the Consent Agenda by the presiding officer to the Regular Agenda and discussed as a part of the Regular Agenda at the appropriate time. All remaining items listed under the Consent Agenda will be voted upon in a single vote:

- A. Approve Board of Managers Regular Meeting minutes of April 25, 2023. 8

- B. Receive listing of new vendors as of May 18, 2023; listing provided pursuant to Board of Managers Bylaws, §2.1.B and Texas Local Government Code, Chapter 176. 17

- C. Receive hospital providers' quarterly reports relating to certain Indigent Care Affiliation Agreements associated with participation in the Texas Healthcare Transformation and Quality Improvement Program Medicaid 1115 Waiver for calendar quarter-ended March 31, 2023:
 - 1. CHRISTUS Spohn Health System Corporation Hospitals: Alice, Beeville, and Kleberg (Consolidated Report); 18

 - 2. Corpus Christi Medical Center; and 27

 - 3. Driscoll Children's Hospital. 34

- D. Receive summary payment information on Nueces County health care disbursements for Fiscal Year 2023 year-to-date: 35
 - 1. Salaries, benefits, supplies, and intergovernmental transfers at/for City of Corpus Christi/Nueces County Public Health District;

 - 2. Emergency medical services provided in unincorporated areas of Nueces County;

 - 3. Supplemental and jail diversion program funding for Nueces Center for Mental Health and Intellectual Disabilities;

 - 4. Medical services provided at County correctional facilities:
 - a. Nueces County Jail; and
 - b. Nueces County Juvenile Detention Center;

 - 5. Funding for alcohol and drug abuse treatment programs:

- a. Cenikor (Charlie's Place);
 - b. Council on Alcohol and Drug Abuse; and
 - c. Palmer Drug Abuse Program;
- 6. Funding for diabetes prevention and supporting programs;
- 7. Public health grants; and
- 8. Legal and professional fees. (*Finance Committee*)

- E. Receive summary imputed claims information on medical and hospital care provided to the Nueces Aid Program population consistent with the CHRISTUS Spohn Health System Corporation Amended and Restated Membership Agreement for fiscal year-to-date period-ended April 30, 2023. (*Finance Committee*) 36

- F. Receive fiscal year-to-date Specified Annual Percentage-related revenue reports; revenue receipts pursuant to CHRISTUS Spohn Health System Corporation Amended and Restated Membership Agreement, Section 5.03. (*Finance Committee*) 37

- G. Receive monthly statement of escrow amounts deposited and/or withdrawn by CHRISTUS Spohn Health System Corporation; deposits pursuant to and consistent with Schedule 1 to CHRISTUS Spohn Health System Corporation Amended and Restated Membership Agreement; receive statements for months-ended February 28 and March 31, 2023. (*Finance Committee*) 38

- H. Receive statement of amounts deposited to and/or withdrawn from Local Provider Participation Fund for fiscal year-to-date; deposits and withdrawals pursuant to Board of Managers Order authorizing participation in a health care provider participation program pursuant to Texas Health and Safety Code, Chapter 298C, as amended. (*Finance Committee*) 49

- I. Receive summary report of cumulative estimated provider payments and actual intergovernmental transfers made in support of local and other healthcare providers participating in Medicaid supplemental and directed payment programs sponsored by the Texas Health and Human Services Commission (HHSC): 50
 - 1. Directed Payment Programs - Medicaid managed care organization payments to healthcare providers that support overall Medicaid program goals and objectives:
 - a. Comprehensive Hospital Increase Reimbursement Program (CHIRP);
 - b. Network Access Improvement Program (NAIP);
 - c. Texas Incentives for Physicians and Professional Services (TIPPS);

d. Uniform Hospital Rate Increase Program (UHRIP); and

2. Supplemental Payment Programs - HHSC-directed payments made to hospitals for achieving certain goals or to support health care providers that see significant numbers of uninsured or persons without much money:

- a. Disproportionate Share Hospitals (DSH) program;
- b. Graduate Medical Education (GME);
- c. Hospital Uncompensated Care (UC) pool; and

3. Phase-Out Programs:

- a. Delivery System Reform Incentive Payment (DSRIP) pool. (*Finance Committee*)

J. Receive reports relating to Nueces Aid Program enrollment for the month-ended April 30, 2023:

- 1. Total Persons and Households Enrolled; 51
- 2. Enrollment Summary; 52
- 3. Denials; 54
- 4. Application Processing Summary; and 55
- 5. Enrollment by Zip Code. (*Finance Committee*) 59

7. **REGULAR AGENDA** - The Regular Agenda consists of those agenda items which are non-routine, not administrative in nature, or are otherwise in need of separate attention. Each Regular Agenda item will be voted upon separately if action is required:

A. **Finance Committee:**

1. Financial Statements:

- a. Receive and approve unaudited financial statements for the month and fiscal year-to-date period ended April 30, 2023. 62
(**ACTION**)

B. **Legislative Committee:**

1. Receive information on 88th Texas Session Legislative Agenda, as amended. (**INFORMATION**) 69

2. Receive information on select Bills in the 88th Texas Legislative Session. (**INFORMATION**) 80

C. **Memorial Medical Center Demolition:**

1. Receive, view, and discuss information on Memorial Medical Center demolition project being conducted by CHRISTUS Spohn Health System Corporation; demolition project located at 2606 Hospital Boulevard, Corpus Christi, Texas:

a. Report from CHRISTUS Spohn's Architect and/or Owner's Representative; and	
b. View CHRISTUS Health OxBlue Construction Time-Lapse Camera video feed. <i>(INFORMATION)</i>	81
D. <u>Improvements To Former Memorial Medical Center Campus:</u>	
1. Receive information on and discuss timeline relating to the Hospital District's planned improvements to the former Memorial Medical Center campus located at 2606 Hospital Boulevard, Corpus Christi, Texas, the District's related planned issuance and sale of Certificates of Obligation, Series 2023, and related matters. <i>(INFORMATION)</i>	82
E. <u>FEMA COVID-19 Pandemic Cost Recovery Application:</u>	
1. Receive notice of FEMA's first-level denial of Application #674808 appeal relating to the Hospital District's recovery of Social Determinants of Health Study costs incurred during the COVID-19 Pandemic. <i>(INFORMATION)</i>	83
F. <u>Other Business:</u>	
1. Discuss and consider nominating candidates to the Texas Conference of Urban Counties for consideration of appointment to the following Advisory Committees of the Tobacco Settlement Permanent Trust Account for the term September 1, 2023 - August 31, 2029: a. Investment Advisory Committee; and b. Administrative Advisory Committee. <i>(ACTION)</i>	96
2. Receive information on opioid-related case settlement with Allergan in <i>Nueces County Hospital District vs. Purdue Pharma, Inc., et al.</i> , MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas. <i>(INFORMATION)</i>	103
3. Receive information on the Texas Statewide Opioid Settlement Initiative. <i>(INFORMATION)</i>	105
8. ADMINISTRATOR'S BRIEFING:	
A. Execution of Letter Agreement with John B. Martinez for General Counsel Services. <i>(INFORMATION)</i>	106
B. Execution of lease with ERF Tower II Incorporated for administrative office space at 555 N. Carancahua Street, Corpus Christi, Texas.	107

(INFORMATION)

C. Execution of Investment Advisory Agreement with Meeder Public Funds Inc. for non-discretionary investment management services. 108

(INFORMATION)

D. Next scheduled Board of Managers and Board Committee regular meetings (all meetings' dates, times, and locations are subject to change):

1. Finance Committee: Tuesday, June 27, 2023, 11:15 AM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401;

2. Legislative Committee: Tuesday, June 27, 2023, 11:45 AM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401;

3. Board of Managers: Tuesday, June 27, 2023, 12 Noon in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401; and

4. CANCELLED - Special Board of Managers Meeting: Tuesday, June 20, 2023, 3:00 PM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401. **THIS MEETING HAS BEEN CANCELLED - TO BE RESCHEDULED. (INFORMATION)**

9. **CLOSED MEETING** - Public Notice is hereby given that the Board of Managers may go into closed meeting session(s) at any time during the meeting to discuss any matter(s) listed on the agenda, when so authorized by the provisions of the Open Meetings Act, Texas Government Code, Chapter 551. *To the extent there has been a past practice of distinguishing items for public deliberation and those for executive session, the public is advised that the Board is departing from that practice and reserves the right to discuss any listed agenda items in a closed meeting when authorized by law to do so.* When the Board goes into closed session(s) regarding an agenda item(s), the section(s) of the Open Meetings Act authorizing the closed session will be publicly announced by the presiding officer. Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in closed session(s), then the final action, final decision, or final vote shall be either: (a) in the open meeting covered by the Notice upon reconvening of the public meeting; or (b) at a subsequent public meeting of the Board upon notice thereof, as the Board shall determine pursuant to applicable laws. The Board specifically expects to go into a closed session(s) on the matters listed below pursuant to the Act, §551.071 and §551.072, as shown.

A. Consult with attorneys on matters relating to *Nueces County Hospital District vs. Purdue Pharma, Inc., et al.*, MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas, and related matters, pursuant to Open Meetings

Act, §551.071.

B. Consult with attorneys on matters related to improvements to the former Memorial Medical Center campus located at 2606 Hospital Boulevard, Corpus Christi, Texas, and related matters, pursuant to Open Meetings Act, §551.072.

C. Consult with attorneys on matters relating to FEMA's first-level denial of Hospital District's Application #674808 appeal, and related matters, pursuant to Open Meetings Act, §551.071.

10. **OPEN MEETING** - Following the Closed Meeting, the Board of Managers will reconvene the Open Meeting prior to taking any action(s) on matters considered in the Closed Meeting or adjourning the meeting.

A. Consider final action, decision, or vote on matters considered in the Closed Meeting:

1. Adopt Board of Managers Resolution authorizing the Administrator to execute Settlement participation and release documents and/or forms relating to settlement offers in the matter of Texas opioid multi-district litigation for the Hospital District in the matter of *Nueces County Hospital District v. Purdue Pharma, Inc., et al.*, MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas. **(ACTION)** 113

2. Authorize the Administrator to submit one of the following responses to FEMA with regard to its first-level denial of Application #674808 appeal concerning the Hospital District's recovery of Social Determinants of Health Study costs incurred during the COVID-19 Pandemic; both optional responses below authorized by Section 423, Stafford Act (Pubic Law 93-288), as amended:

a. Second-Level Appeal; or

b. Request for Arbitration in lieu of Second-Level Appeal. **(ACTION)**

3. If the Request for Arbitration in lieu of Second-Level Appeal is approved in agenda item 10.A.2 above, authorize the Administrator to engage legal counsel to represent the Hospital District in the Arbitration proceedings. **(ACTION)**

4. Discuss and consider final action, decision, or vote on other matters considered in Closed Meeting. **(ACTION AS NEEDED)**

11. **ADJOURN**

**MINUTES
BOARD OF MANAGERS
NUECES COUNTY HOSPITAL DISTRICT
REGULAR MEETING
APRIL 25, 2023**

The Nueces County Hospital District Board of Managers met at 12:00 p.m., Tuesday, April 25, 2023, 2023 in the NCHD Board Room at 555 N. Carancahua, Suite 950 – A Corpus Christi, Texas.

HOSPITAL DISTRICT REPRESENTATIVES:

Jonny F. Hipp	Administrator/CEO
Belinda Espinoza	Assistant Administrator, Administrative Services
Donna Littlefield	Director, Accounting & Finance
Mary Esther Guerra	Assistant County Attorney
Melissa Quintanilla	Executive Assistant/Human Resources
Carmina Hernandez Moreno	Administrative Assistant

OTHERS PRESENT

Michael Morris	Kerico Healthcare
Govind Nadkarni	Govind Development/Bd. Member Christus Spohn
Cole Bailey	Ray H.S. / Buc Days Scholar
Jerry Kramer	CLK Architects
John Michael	Hanson
Adam Robison	King & Spalding
Clay Binford	MPH
Ronica Hutchinson	Gjerset & Lorenz – via Zoom
Victor Quiroga	Specialized Public Finance Inc. – via Zoom
Christopher Ochs	CSO & Brd Member @ Kerico - via Zoom
Craig Desmond	Christus Spohn Hospital – via Zoom
Andria Kovarik	MHID – via Zoom
Mark Hendrix	MHID – via Zoom

**MINUTES
BOARD OF MANAGERS
REGULAR MEETING
APRIL 25, 2023**

1. WELCOME

2. ROLL CALL OF BOARD OF MANAGERS

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

3. CALL TO ORDER, ESTABLISHMENT OF QUORUM, MEETING POSTING CONFIRMATION, AND CLOSED MEETING NOTICE

A. Call to order – Mr. John E. Valls, Chairman
The meeting was called to order by Mr. Valls at 12:08 p.m.

B. Establish quorum – Mr. Valls
A quorum was present with six members in attendance.

John E. Valls, MBA, Chairman – PRESENT
Vishnu V. Reddy, M.D., Vice Chairman – PRESENT @ 12:50 pm
Sylvia Tryon Oliver, Member – PRESENT
Judge Mariana Garza, Member – PRESENT-via Zoom & disconnect @ 1:16 pm
Efrain Guerrero, Jr., Member – PRESENT
Arthur Granado, Member – PRESENT
Belinda Flores, R.N., Member – ABSENT

C. Confirm posting of Meeting's public notice in accordance with Texas Open Meetings Act, Texas Government Code, Chapter 551.

D. Public notice is hereby given that the Board of Managers may elect to go into Closed Meeting session(s) at any time during the meeting to discuss any matter(s) listed on the agenda when so authorized by the provisions of the Open Meetings Act, Texas Government Code, Chapter 551.

4. ANNOUNCEMENT ON DISCLOSURE OF CONFLICTS OF INTEREST. Any Conflicts of Interest or Appearance of a Conflict of Interest with items on this agenda shall be declared at this time. Members with conflicts will refrain from voting and are asked to refrain from discussion on such items. Conflicts discovered later in the meeting shall be

**MINUTES
BOARD OF MANAGERS
REGULAR MEETING
APRIL 25, 2023**

disclosed at that time.

5. **CLOSED MEETING** - Public Notice is hereby given that the Board of Managers may go into closed meeting session(s) at any time during the meeting to discuss any matter(s) listed on the agenda, when so authorized by the provisions of the Open Meetings Act, Texas Government Code, Chapter 551. *To the extent there has been a past practice of distinguishing items for public deliberation and those for executive session, the public is advised that the Board is departing from that practice and reserves the right to discuss any listed agenda items in a closed meeting when authorized by law to do so.* When the Board goes into closed session(s) regarding an agenda item(s), the section(s) of the Open Meetings Act authorizing the closed session will be publicly announced by the presiding officer. Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in closed session(s), then the final action, final decision, or final vote shall be either: (a) in the open meeting covered by the Notice upon reconvening of the public meeting; or (b) at a subsequent public meeting of the Board upon notice thereof, as the Board shall determine pursuant to applicable laws. The Board specifically expects to go into a closed session(s) on the matters listed below pursuant to the Act, §551.071 and §551.072, as applicable.

A. Consult with attorneys on matters relating to financing of proposed improvements to the former Memorial Medical Center campus located at 2606 Hospital Boulevard, Corpus Christi, Texas, including expansion of the Dr. Hector P. Garcia Memorial Family Health Center and construction of new clinical and administrative/support facilities.

B. Consult with attorneys on matters relating to the Amended and Restated Membership Agreement between Nueces County Hospital District and CHRISTUS Spohn Health System Corporation.

C. Consult with attorneys on matters related to permitted uses of the 18.45 acre site of the former Memorial Medical Center located at 2606 Hospital Boulevard, Corpus Christi, Texas.

Mr. Valls called for Closed Meeting at 12:14 p.m.

6. **OPEN MEETING** - Following the Closed Meeting, the Board of Managers will reconvene the Open Meeting prior to taking any action(s) on matters considered in the Closed Meeting or adjourning the meeting.

Mr. Valls called for Open Meeting at 12:57 p.m.

7. Discuss and consider final action, decision, or vote on other matters considered in Closed Meeting. (***ACTION AS NEEDED***)

**MINUTES
BOARD OF MANAGERS
REGULAR MEETING
APRIL 25, 2023**

**Motion by Mr. Granado and seconded by Mr. Guerrero
Only for Item 5. C. MOTION CARRIED.**

8. PUBLIC COMMENT - Persons attending in-person and wishing to comment on any item(s) on the agenda or any subject within the Board's responsibilities must sign-in on the "Agenda Item Request to Speak" form provided at the entrance of the Board meeting room at least five (5) minutes prior to commencement of the meeting. Persons attending via audio or video conference and wishing to comment on any item(s) on the agenda or any subject within the Board's responsibilities must verbally notify the presiding officer of their desire to comment when the officer calls for public comment from those attending via audio and video conference. Commenters shall limit their comments to three (3) minutes, except that Commenters addressing the Board through a translator shall limit their comments to six (6) minutes.

**Govind Nadkarni
Cole Bailey
Michael Morris**

9. CONSENT AGENDA - The Consent Agenda consists of those agenda items which are routine, administrative in nature, not in need of separate attention, and which a member of the Board has not requested be discussed separately. If requested to be discussed separately, that agenda item will be removed from the Consent Agenda by the presiding officer to the Regular Agenda and discussed as a part of the Regular Agenda at the appropriate time. All remaining items listed under the Consent Agenda will be voted upon in a single vote:

A. Approve minutes of Board of Managers meetings:

1. March 7, 2023 Regular Meeting; and
2. April 11, 2023 Special Meeting.

B. Receive listing of new vendors as of April 20, 2023; listing provided pursuant to Board of Managers Bylaws, §2.1.B and Texas Local Government Code, Chapter 176.

C. Receive summary payment information on Nueces County health care disbursements for Fiscal Year 2023 year-to-date:

1. Salaries, benefits, supplies, and intergovernmental transfers at/for City of Corpus Christi/Nueces County Public Health District;
2. Emergency medical services provided in unincorporated areas of Nueces County;

**MINUTES
BOARD OF MANAGERS
REGULAR MEETING
APRIL 25, 2023**

3. Supplemental and jail diversion program funding for Nueces Center for Mental Health and Intellectual Disabilities;
 4. Medical services provided at County correctional facilities:
 - a. Nueces County Jail; and
 - b. Nueces County Juvenile Detention Center;
 5. Funding for alcohol and drug abuse treatment programs:
 - a. Cenikor (Charlie's Place);
 - b. Council on Alcohol and Drug Abuse; and
 - c. Palmer Drug Abuse Program;
 6. Funding for diabetes prevention and supporting programs;
 7. Public health grants; and
 8. Legal and professional fees. (*Finance Committee*)
- D. Receive summary imputed claims information on medical and hospital care provided to the Nueces Aid Program population consistent with the CHRISTUS Spohn Health System Corporation Amended and Restated Membership Agreement for fiscal year-to-date periods-ended February 28 and March 31, 2023. (*Finance Committee*)
- E. Receive fiscal year-to-date Specified Annual Percentage-related revenue reports; revenue receipts pursuant to CHRISTUS Spohn Health System Corporation Amended and Restated Membership Agreement, Section 5.03. (*Finance Committee*)
- F. Receive monthly statement of escrow amounts deposited and/or withdrawn by CHRISTUS Spohn Health System Corporation; deposits pursuant to and consistent with Schedule 1 to CHRISTUS Spohn Health System Corporation Amended and Restated Membership Agreement; receive statements for months-ended February 28, 2023. (*Finance Committee*)
- G. Receive statement of amounts deposited to and/or withdrawn from Local Provider Participation Fund for fiscal year-to-date; deposits and withdrawals pursuant to Board of Managers Order authorizing participation in a health care provider participation program pursuant to Texas Health and Safety Code, Chapter 298C, as amended. (*Finance Committee*)
- H. Receive summary report of cumulative estimated provider payments and actual intergovernmental transfers made in support of local and other healthcare providers participating in Medicaid supplemental and directed payment programs sponsored by the

**MINUTES
BOARD OF MANAGERS
REGULAR MEETING
APRIL 25, 2023**

Texas Health and Human Services Commission (HHSC):

1. Directed Payment Programs - Medicaid managed care organization payments to healthcare providers that support overall Medicaid program goals and objectives:
 - a. Comprehensive Hospital Increase Reimbursement Program (CHIRP);
 - b. Network Access Improvement Program (NAIP);
 - c. Texas Incentives for Physicians and Professional Services (TIPPS);
 - d. Uniform Hospital Rate Increase Program (UHRIP); and

2. Supplemental Payment Programs - HHSC-directed payments made to hospitals for achieving certain goals or to support health care providers that see significant numbers of uninsured or persons without much money:
 - a. Disproportionate Share Hospitals (DSH) program;
 - b. Graduate Medical Education (GME);
 - c. Hospital Uncompensated Care (UC) pool; and

3. Phase-Out Programs:
 - a. Delivery System Reform Incentive Payment (DSRIP) pool. (*Finance Committee*)

I. Receive reports relating to Nueces Aid Program enrollment for the months-ended February 28 and March 31, 2023:

1. Total Persons and Households Enrolled;
2. Enrollment Summary;
3. Denials;
4. Application Processing Summary; and
5. Enrollment by Zip Code. (*Finance Committee*)

Consent Agenda Approved by Judge Garza and seconded by Ms. Oliver. Exculding Item 9. F. MOTION CARRIED.

10. **REGULAR AGENDA** - The Regular Agenda consists of those agenda items which are non-routine, not administrative in nature, or are otherwise in need of separate attention. Each Regular Agenda item will be voted upon separately if action is required:

A. Finance Committee:

1. Financial Statements:

- a. Receive and approve unaudited financial statements for the months and fiscal year-to-date periods ended February 28 and March 31, 2023. (**ACTION**)

Financial statements were presented. No action taken.

MINUTES
BOARD OF MANAGERS
REGULAR MEETING
APRIL 25, 2023

2. Investment Report:

- a. Receive Quarterly Investment Report for fiscal quarter-ended March 31, 2023. *(INFORMATION)*

B. Legislative Committee:

1. Receive information on 88th Texas Session Legislative Agenda, as amended. *(INFORMATION)*
2. Receive information on select Bills in the 88th Texas Session relating to or affecting Hospital Districts. *(INFORMATION)*

Mr. Granado updated the Board on Legislative matters.

C. Memorial Medical Center Demolition:

1. Receive, view, and discuss information on Memorial Medical Center demolition project being conducted by CHRISTUS Spohn Health System Corporation; demolition project located at 2606 Hospital Boulevard, Corpus Christi, Texas:
 - a. Report from CHRISTUS Spohn's Architect and/or Owner's Representative; and
 - b. View CHRISTUS Health OxBlue Construction Time-Lapse Camera video feed. *(INFORMATION)*

Jerry Kramer presented and updated on Memorial Medical Center.

John Michael presented and updated on Memorial Medical Center.

D. Improvements at Former Memorial Medical Center Campus:

1. Review events timeline relating to Hospital District's issuance and sale of Certificates of Obligation, Series 2023 for improvements to the former Memorial Medical Center campus located at 2606 Hospital Boulevard, Corpus Christi, Texas, including expansion of the Dr. Hector P. Garcia Memorial Family Health Center and construction of new clinical and administrative/support facilities. *(INFORMATION)*

MINUTES
BOARD OF MANAGERS
REGULAR MEETING
APRIL 25, 2023

E. Other Business:

1. Receive a presentation from Kerico, a company providing non-emergency medical transportation services. (*INFORMATION*)

11. ADMINISTRATOR'S BRIEFING:

A. Execution of Personal Services Agreements with Joel J. Romo and Patricia A. Shipton for legislative consulting services during the 88th Texas Legislative Session.

B. Next scheduled Board of Managers and Board Committee regular meetings (all meetings' dates, times, and locations are subject to change):

1. Finance Committee: Tuesday, May 23, 2023, 11:15 AM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus

Christi, Texas 78401;

2. Legislative Committee: Tuesday, May 23, 2023, 11:45 AM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401;

3. Board of Managers: Tuesday, May 23, 2023, 12 Noon in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401; and

4. Special Board of Managers Meeting: Tuesday, June 20, 2023 at 3:00 PM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401. (*INFORMATION*)

12. ADJOURN

Motion adjourned by Mr. Valls, Chairman at 1:54 p.m.

**MINUTES
BOARD OF MANAGERS
REGULAR MEETING
APRIL 25, 2023**

PRESIDING OFFICER:

John E. Valls, MBA, Chairman

ATTEST:

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

Nueces County Hospital District
Vendor Information List - Additional Vendors-Conflict of Interest Disclosure

<u>Vendor ID</u>	<u>Vendor Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>
2090	Romo, Joel	c/o Texana Public Affairs 2720 Bluebonnet Blvd	Brenham	TX	77833
2091	ACRES, LLC	P O Box 10616	Corpus Christi	TX	78460
2092	Shipton, Patricia A.	919 Congress Avenue, Suite 1030	Austin	TX	78701
2093	Aransas County Treasurer	2840 Hwy 35 N	Rockport	TX	78382
2094	Synchrony Bank/Amazon	P.O. Box 960013	Orlando	FL	32896-0013

**SUMMARY OF COMMUNITY BENEFITS PROVIDED BY CHRISTUS SPOHN
HOSPITAL ALICE, CHRISTUS SPOHN HOSPITAL BEEVILLE, AND
CHRISTUS SPOHN HOSPITAL KLEBERG
APRIL 2023**

Throughout the year, CHRISTUS Spohn Hospital Alice, CHRISTUS Spohn Hospital Beeville and CHRISTUS Spohn Hospital Kleberg (collectively, the “Hospitals”) provide healthcare services to the residents of Nueces County and Region 4, including inpatient and outpatient hospital services at their facilities and other healthcare and educational services in clinics and throughout the community. As part of their collaboration with the Nueces County Hospital District (“the District”), memorialized in the Nueces County Indigent Care Affiliation Agreement, the Hospitals have agreed to provide the District reports summarizing the services they provide in the community. In accordance with the State of Texas’ requirements for receipt of Medicaid supplemental payments under the Texas Demonstration Waiver program, the Hospitals and the District have certified that the Hospitals will not provide service summary reports more often than quarterly. Following is a summary report which provides an overview of the community services provided by the Hospitals in the three months ending March 31, 2023.

Hospital Services

The Hospitals provide a significant amount of uncompensated care to residents of Nueces County and surrounding communities, and experience unreimbursed costs for these services totaling approximately \$23.5 million annually.

The Hospitals recognize the need to support community health improvement services as well as local charitable organizations and collaborate to reach out to the surrounding communities. This outreach includes their ongoing contributions of funding to community agencies, providing education services to health professionals and citizens, the ongoing operations of a mobile clinic under its Community Outreach program, and providing free health screenings under their Cardiac Risk and Breast Care programs. During this quarter, the Hospitals offered free blood pressure readings and provided education to participants on blood pressure monitoring.

CHRISTUS Spohn Hospital Alice (“Alice”)

- Alice provides a significant amount of uncompensated care to residents of Jim Wells County and surrounding communities, and experiences unreimbursed costs for these services totaling approximately \$9.8 million annually.
- Alice provided nearly \$16.2 million in inpatient and outpatient charitable healthcare services to indigent patients of Region 4 over the last three months. Although Alice remains willing and able to provide charity hospital services to patients eligible for Nueces Aid, no Nueces Aid patients presented for services at Alice during this period.

- Alice recognizes the need to provide emergency services to all residents of the community, including low-income and needy patients, and provides these services regardless of a patient's ability to pay. Alice has achieved a Level IV Trauma Center designation by the State's Bureau of Emergency Management based on the 24-hour access to emergency physicians, radiology, and clinical laboratory services that Alice offers the local community. Included as **Exhibit A** is documentation supporting Alice's provision of these services, encompassing 6,450 patient visits, of which approximately 46% represent charity, Medicaid and uninsured patients.
- Alice recognizes that the state infant mortality rate exceeds 5% each year and the hospital is focused on reducing this rate. Through its superior pediatric facilities and newborn delivery services, Alice is proud to have brought 19 healthy babies into the world in the last quarter. Included as **Exhibit B** is information regarding these delivery services, of which approximately 68% represented charity, uninsured and Medicaid services.

CHRISTUS Spohn Hospital Beeville ("Beeville")

- Beeville provides a significant amount of uncompensated care to uninsured residents of the County and surrounding communities, and experiences unreimbursed costs for these services totaling approximately \$6.5 million annually.
- Beeville provided nearly \$11.3 million in inpatient and outpatient charitable healthcare services to indigent patients during this period. Although Beeville remains willing and able to provide charity hospital services to patients eligible for Nueces Aid, no Nueces Aid patients presented for services at Beeville during this period.
- Beeville recognizes the need to provide emergency services to all residents of its community, including low-income and needy patients, and provides these services regardless of a patient's ability to pay. Beeville has achieved a Level IV Trauma Center designation by the State's Bureau of Emergency Management based on the 24-hour access to emergency physicians, radiology, and clinical laboratory services that Beeville offers the local community. Included as **Exhibit C** is documentation supporting Beeville's provision of these services. Of the 4,524 emergency encounters provided by Beeville, approximately 49% represent services provided to Medicaid, charity and uninsured patients.
- Beeville recognizes that the state infant mortality rate exceeds 5% each year and the hospital is focused on reducing this rate. Included as **Exhibit D** is information on the 2 newborn deliveries Beeville performed during this period, 100% of which represent services to Medicaid, charity and uninsured.

CHRISTUS Spohn Hospital Kleberg ("Kleberg")

- Kleberg provides a significant amount of uncompensated care to residents of the County and surrounding communities, and experiences unreimbursed costs for these services totaling approximately \$7.2 million annually.

- Kleberg provided over \$11.1 million in inpatient and outpatient charitable healthcare services to indigent patients during this period. Although Kleberg remains willing and able to provide charity hospital services to patients eligible for Nueces Aid, no Nueces Aid patients presented for services at Kleberg during this period.
- Kleberg recognizes the need to provide emergency services to all residents of its community, including low-income and needy patients, and provides these services regardless of a patient's ability to pay. Kleberg has achieved a Level IV Trauma Center designation by the State's Bureau of Emergency Management based on the 24-hour access to emergency physicians, radiology, and clinical laboratory services that Kleberg offers the local community. Included as **Exhibit E** is documentation supporting Kleberg's provision of these services to 5,185 patients, of which approximately 45% represent charity, Medicaid and uninsured patients.
- Kleberg recognizes that the state infant mortality rate exceeds 5% each year and the hospital is focused on reducing this rate. Through its superior pediatric facilities and newborn delivery services, Kleberg is proud to have brought 53 healthy babies into the world during the last quarter. Included as **Exhibit F** is information regarding these delivery services, of which approximately 77% represented charity, uninsured and Medicaid services.

235813

**ALICE ER SUMMARY
JANUARY 2023 - MARCH 2023**

Payor	Sum of ER visits Cases
CHARITY/UNINSURED/SELF-PAY	1132
INSURED	3472
MEDICAID	1846
Grand Total	6450

Medicaid/Charity/Uninsured/Self-Pay	2978
Insured	3472
<hr/> Total	6450

**% of Medicaid/Charity/Uninsured/Self-Pay for
January 2023 - March 2023** **46%**

**ALICE NEWBORNS SUMMARY
 JANUARY 2023 - MARCH 2023**

Payor	Sum of Newborns Cases
CHARITY/UNINSURED/SELF-PAY	1
INSURED	6
MEDICAID	12
Grand Total	19

Medicaid/Charity/Uninsured/Self-Pay	13
Insured	6
Total	19

% of Medicaid/Charity/Uninsured/Self-Pay for January - March 2023 **68%**

**BEEVILLE ER SUMMARY
 JANUARY 2023 - MARCH 2023**

Payor	Sum of ER visits Cases
CHARITY/UNINSURED/SELF-PAY	880
INSURED	2291
MEDICAID	1353
Grand Total	4524

Medicaid/Charity/Uninsured/Self-Pay	2233
Insured	2291
Total	4524

% of Medicaid/Charity/Uninsured/Self-Pay in January - March 2023 **49%**

**BEEVILLE NEWBORN SUMMARY
JANUARY 2023 - MARCH 2023**

Medicaid/Charity/Uninsured/Self-Pay	2
Insured	0
<hr/>	<hr/>
Total	2

**% of Medicaid/Charity/Uninsured/Self-Pay in
January - March 2023** **100%**

**KLEBERG ER SUMMARY
 JANUARY 2023 - MARCH 2023**

Payor	Sum of ER visits Cases
CHARITY/UNINSURED/SELF-PAY	883
INSURED	2861
MEDICAID	1441
Grand Total	5185

Medicaid/Charity/Uninsured/Self-Pay	2324
Insured	2861
Total	5185

**% of Medicaid/Charity/Uninsured/Self-Pay
 for January - March 2023** **45%**

**KLEBERG NEWBORNS SUMMARY
 JANUARY 2023 - MARCH 2023**

Payor	Sum of Newborns Cases
CHARITY/UNINSURED/SELF-PAY	3
INSURED	12
MEDICAID	38
Grand Total	53

Medicaid/Charity/Uninsured/Self-Pay	41
Insured	12
Total	53

**% of Medicaid/Charity/Uninsured/Self-Pay
 for January - March 2023** **77%**



A summary of benefits provided to Nueces County and the Corpus Christi community

Quarter ending March 31, 2023

Submitted by: Bay Area Healthcare Group, Ltd. d/b/a Corpus Christi Medical Center

Our Mission

Above all else, we are committed to the care and improvement of human life.

I. Background

The 2011 Texas Legislature directed HHSC to expand Medicaid managed care to achieve savings and to preserve hospital access to funding consistent with upper payment limit (UPL) funding. The best

approach to achieve these goals along with delivery system reform and quality improvements was to negotiate a 1115 waiver. In December 2011, Texas received federal approval for the 1115 Healthcare Transformation Waiver (Waiver). The Waiver requires providers and other stakeholders to work collectively and collaboratively to develop and submit a regional plan for health care delivery system reform through the formation of Regional Healthcare Partnerships (RHP's). Corpus Christi Medical Center (CCMC) is an active participant in the RHP 4 planning and has several proposed delivery system reform projects included in the final regional plan.

Integral to the success of the regional plan is the collaboration to support Nueces County Hospital District in its mission to provide healthcare to the poor and needy. Throughout the year, CCMC provides healthcare services to the residents of Nueces (and surrounding) counties, including inpatient and outpatient hospital services at the facility, as well as other healthcare and educational services throughout the community. As part of the collaboration with the District, memorialized in the Nueces County Indigent Care Affiliation Agreement, CCMC agreed to provide the District periodic reports summarizing the services provided in the community.

The following is the 43rd quarterly report, which provides an overview of the community benefits provided by CCMC during the last quarter:

II. Community Benefits

CCMC provides healthcare services for many uninsured and underinsured members of the community at no or reduced cost. These services benefit the Nueces County Hospital District by sharing the burden and responsibility for caring for the poor and needy. CCMC provides a substantial amount of uncompensated care to the residents of Nueces County and surrounding communities. CCMC continually strives to improve access and quality of services provided to the community.

CCMC is a collaborative healthcare network comprised of two acute care hospitals, three freestanding emergency rooms, a cancer center and behavioral health hospital.

As a leading healthcare provider and employer in the Corpus Christi area, CCMC serves patients with an expansive network of physicians, nurses and healthcare workers who are dedicated to delivering the highest level of medical care in the community.

Who are we?



1,600+
colleagues



665
physicians on staff



850+
registered nurses

For this reporting period, CCMC provided approximately \$24 million in uncompensated care, including the unreimbursed costs of treating Medicaid patients. CCMC also invests in the Nueces County community with over 300 colleague volunteer hours, property taxes, and financial support of local charities and other local organizations.

Healthcare Quality

Caring for the health of the community is CCMC's mission; Above all else, we are committed to the care and improvement of human life. CCMC strives to deliver superior care to its patients during every interaction. Its approach to ensuring high-quality care is rooted in the belief of always doing what is right for our patients. CCMC has earned national recognition, accreditation and certifications for providing high quality care.

Certifications/Accreditations

- Hospital Accreditation, The Joint Commission
- Trauma Center Designation Level II Bay Area
- Trauma Center Designation Level IV Doctors Regional and ER 24/7 Northwest
- Stroke Center Designation, The Joint Commission
- Chest Pain Center with Resuscitation (Cycle VI), Society of Cardiovascular Patient Care
- Maternal Designation Level IV, Texas Department of State Health Services
- Advanced Level III Neonatal Intensive Care Unit (NICU)
- Bariatric Center of Excellence, MBSAQIP and The American College of Surgeons
- Disease Specific Care Certification for Total Knee and Hip Replacement Surgery, The Joint Commission

Hospital Quality Awards

Hospital Safety Grade, Leapfrog (Fall 2022)
'A' Corpus Christi Medical Center Bay Area
'A' Corpus Christi Medical Center Doctors Regional

Specialty Clinical Awards

- Best Regional Hospital, U.S. News & World Report, (2022-2023)
Regionally ranked #25 in Texas. High Performing in 8 Procedures/Conditions – Heart Attack, Heart Failure, Diabetes, Hip Replacement, Knee Replacement, Kidney Failure, Stroke, Chronic Obstructive Pulmonary Disease
- America's 100 Best Hospitals for Gastrointestinal Surgery Award™ (2023)
- America's 100 Best Hospitals for Joint Replacement Award™ (2023, 2022, 2021), Healthgrades
- America's 100 Best Hospitals for Orthopedic Surgery Award™ (2023, 2022, 2021) Healthgrades
- America's 50 Best Hospitals for Surgical Excellence Award™ (2023,2022)

- America’s 50 Best Hospitals for Vascular Surgery Award™ (2023, 2022, 2021)

Beyond delivering excellent care to its patients and as a leading employer in the region, CCMC offers a variety of benefits to support its employees’ health, finances and professional development.

III. Additional Services Provided by CCMC

Emergency Room Services: CCMC recognizes the need to provide emergency services to all residents of its community, including low-income and needy patients regardless of their ability to pay. Approximately 48% of all visits to CCMC’s emergency rooms are charity, self-pay or Medicaid patients. This is an increase from last year first quarter 2022 at 46%.

Newborn Services: CCMC recognizes that the state’s infant mortality rate exceeds 5% each year, and the hospital is focused on reducing this rate. Approximately 66% of all births at CCMC are for charity, self-pay or Medicaid patients.

At CCMC Bay Area, prenatal education is available for expecting mothers to prepare them for motherhood and promote a healthy lifestyle before childbirth. The community has access to a Level III neonatal intensive care unit (NICU) dedicated to providing high-quality care for newborns, staffed 24/7 with a team of neonatal specialists, nurses and respiratory therapists. Additional family-centered programs are offered to help parents and infants thrive while in our NICU and after they go home including breastfeeding/lactation support, early childhood intervention referral program, Kangaroo Club and scrap therapy.

Psychiatric Services: Corpus Christi Medical Center recognizes that approximately 61% of psychiatric services are provided to charity, self-pay, or Medicaid insured patients. Additionally, patients requiring psychiatric services are often one of the most underserved populations in the community, and CCMC strives to ensure that these patients receive appropriate care. As the largest provider of inpatient psychiatric care in Corpus Christi, CCMC Bayview has 68 beds and the capability to treat adolescent, adult and geriatric patients. Several outpatient programs are also available as a next step after inpatient services are provided.

Emergency Trauma Services (Level II, IV): Corpus Christi Medical recognizes that approximately 19% of trauma patients are uninsured or low income. In response to the community’s need for more immediate access to a higher level of emergency critical care, CCMC pursued an upgrade in trauma center designation in 2018. Significant capital investment and major operating expenditures have been incurred to ensure a successful program with quality patient outcomes.

In 2022, CCMC Bay Area earned designation as a Level II Major Trauma Center from the Texas Department of State Health Services. This upgrade is lifesaving to the community and allows for more immediate access to trauma care for area residents of Corpus Christi, North Padre Island and the Coastal Bend region.

New Equipment/Upgrades: CCMC continues to upgrade its facilities and invest in advanced technology and life-saving equipment. Major projects/purchases include; surgical equipment upgrades, cardiovascular service line enhancements and radiology upgrades. To address the shortfall in emergency room capacity in Corpus Christi and the closing of a local area hospital, CCMC expanded its capacity in the ER at Doctors Regional to include a low acuity fast track unit. This new addition has been essential to accommodating more patients.

IV. Community Engagement

Physician Recruitment/Training: As a learning health system, CCMC continues to support its internal medicine residency program. In addition, CCMC is supporting two Fellowship programs in Cardiology and Pulmonary/Critical Care. CCMC is actively recruiting several physicians to the market, including Orthopedics, Cardiology, OB/GYN, and Urology.

Education and Outreach: CCMC educates the community about health related topics through social media, news media outlets, in-person speaking engagements and seminars. Our education efforts also include online joint replacement classes, educational conferences or seminars, behavioral health collaborations, childbirth education classes, weight loss support groups and stop the bleed training. A special mobile training simulator ambulance is also available to train first responders and EMS professionals.

Partnerships and Community Support: CCMC continues to develop longstanding community partnerships and supports numerous nonprofit organizations through memberships, donations and volunteerism.

Memberships:

- Aransas Pass Chamber of Commerce
- Coastal Bend Advance Practice Nurses Association
- Coastal Bend Regional Advisory Council
- Corpus Christi Black Chamber of Commerce
- Corpus Christi Regional EDC
- Corpus Christi Rotary Club
- Ingleside Chamber of Commerce
- Leadership Corpus Christi
- NAACP
- Northwest Business Alliance
- Padre Island Business Association
- Portland Chamber of Commerce
- Rockport Chamber of Commerce
- United Corpus Christi Chamber of Commerce

- Westside Business Association

Donations: Through investment and charitable giving, CCMC strives to make the local economy of the community we serve stronger. In 2023, CCMC donated to the following local nonprofit organizations:

- American Cancer Society
- American Heart Association
- The Botanical Gardens
- Coastal Bend Food Bank
- Communities in Schools
- Corpus Christi Police Foundation
- Corpus Christi Road Runners
- Corpus Christi Symphony Orchestra
- Fish for Life
- Gregory Portland High School
- Mission of Mercy
- The Purple Door/The Women’s Shelter
- Texas A & M University
- Veterans Memorial High School

Volunteerism: Community service is a foundational part of who we are as an organization and a reflection of CCMC’s commitment to building a healthy community. During the first quarter, CCMC colleagues provided first aid stations at community events and volunteered for the following organizations:

- The Botanical Gardens
- CASA
- Coastal Bend Blood Bank
- Corpus Christi Independent School District, Wellness Fairs

CCMC colleagues also serve in leadership positions on boards and committees for the following nonprofit organizations:

- Aransas County Partnership EDC
- City of Corpus Christi Padre Island Strategic Action Committee
- Coastal Bend Emergency Management
- Coastal Bend Food Bank
- Coastal Bend Regional Advisory Council
- Corpus Christi Regional Economic Development
- Leadership Corpus Christi

- West Oso ISD Advisory Council

Summary of Community Benefits Provided By:

Driscoll Children's Hospital

Quarter Ending March 31st, 2023

- Driscoll Children's Hospital recognizes the need to provide emergency services to all residents of its community, including low-income and needy patients, and provides these services regardless of a patient's ability to pay. Approximately 79.74% of all visits to Driscoll's Emergency Department are made by charity, self-pay, or Medicaid patients.
- Driscoll recognizes that the state infant mortality rate exceeds 5% each year and the hospital is focused on reducing this rate by providing the latest in medical technology and specialized care to newborns across the region. Over 82.34% of neonatal intensive care services are to charity, self-pay, or Medicaid patients.
- Patients requiring psychiatric services are often one of the most under-served populations in a community, and Driscoll strives to ensure that these patients receive appropriate care. Approximately 72.83% of the primary diagnosis behavioral services Driscoll offers in its facilities are provided to charity, self-pay, and Medicaid patients.
- Dedicated to our continued effort to improve the community's access to pediatric physician specialists, Driscoll recruited specialists in Neurosurgery, Nephrology and Maternal Fetal Medicine. Driscoll also added three Hospitalists and one ENT Physician to the medical staff of its hospital. These physicians began practicing within the hospital and physician groups during the 1st Quarter of 2023.
- Driscoll continues to provide a variety of health services to Nueces and surrounding counties to meet the needs of the underserved community:
 - These programs include but are not limited to, Community Health Fairs, health education, physician education, and therapy camps. These activities represent a community benefit of approximately \$37,041.
 - The Driscoll transport program provides emergency transport services via ambulance and air transport. Most of the children transported would not otherwise have had the means to access the service. From January 2023 through March 2023, there were 568 transports.

Nueces County Hospital District
 County Health Care Department Expenditures
 Cash Disbursements Relating to
 Fiscal Year 2023

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Fiscal 2023 YTD	Budget 2023	Balance
County Healthcare Services															
Health Dept - County	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000,000.00	2,000,000.00
Emergency Medical Services	0.00	0.00	0.00	116,100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	116,100.00	650,000.00	533,900.00
NC MHID - Fund Matching	0.00	0.00	0.00	242,280.00	0.00	0.00	242,280.00	0.00	0.00	0.00	0.00	0.00	484,560.00	969,129.00	484,569.00
NC MHID - Jail Programs	0.00	176,813.03	237,980.34	276,362.77	258,650.19	282,603.06	227,446.06	0.00	0.00	0.00	0.00	0.00	1,459,855.45	3,018,000.00	1,558,144.55
Mental Healthcare Services Dept	6,767.47	223.93	104,143.47	0.00	0.00	25.09	0.00	0.00	0.00	0.00	0.00	0.00	111,159.96	273,000.00	161,840.04
NC Juvenile Center	19,477.57	20,679.73	58,982.51	39,737.05	89,111.88	60,047.64	52,844.11	0.00	0.00	0.00	0.00	0.00	340,880.49	474,000.00	133,119.51
Nueces County Jail Services	353,224.55	353,224.55	353,224.55	422,223.53	376,454.17	376,542.38	403,860.59	353,224.55	0.00	0.00	0.00	0.00	2,991,978.87	4,478,695.00	1,486,716.13
Cenikor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60,000.00	60,000.00
Council on Alcohol & Drug Abuse	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00	50,000.00
Diabetes Program - County	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00	50,000.00
HALO-Flight Funding	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,000.00	15,000.00
County Public Health Grants	0.00	0.00	85,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	85,000.00	170,000.00	85,000.00
Totals	379,469.59	550,941.24	839,330.87	1,096,703.35	724,216.24	719,218.17	926,430.76	353,224.55	0.00	0.00	0.00	0.00	5,589,534.77	12,207,824.00	6,618,289.23

**Nueces County Hospital District
Imputed Claims Experience for Calendar Year 2023
As if Adjudicated January 1, 2023 through April 30, 2023**

Service	Claims	Billed	Contract Amt.	Co Insurance	Net
ER	1,328	7,505,189	980,362	33,876	946,486
ASU	233	4,441,028	532,396	13,050	519,346
Clinic	4,436	5,114,879	1,407,857	55,112	1,352,745
Obs	24	828,320	179,359	4,684	174,675
OP	3,610	14,350,650	3,565,568	227,234	3,338,334
Subtotal	9,631	32,240,066	6,665,542	333,956	6,331,586
IP	193	19,491,469	914,650	34,912	879,738
SNF	-				-
RX	39,557	15,766,798	6,057,015	171,723	5,885,292
Physician	9,137	4,122,474	1,236,811	47,465	1,189,346
Total	58,518	71,620,807	14,874,018	588,056	14,285,962

NOTE:

The Revised and Restated Indigent Care Agreement was terminated effective September 30, 2012. After that date, the District no longer makes payment to CHRISTUS Spohn for providing health care services to the Nueces Aid Indigent population. Under the terms of the Membership Agreement amended and restated effective November 18, 2015, CHRISTUS Spohn has committed to continue to provide health care services to the Nueces Aid Indigent population and, and at the request of the District, continues to submit informational claims to the District to permit the District to monitor the volume of health care services furnished to the Nueces Aid Indigent population.

Nueces County Hospital District
 Spohn Corporate Member Revenue Analysis
 Fiscal Year 2023

Member Revenue % 7.0%

	October	November	December	January	February	March	April	May	June	July	August	September	Totals
<u>Membership Revenue Deposits</u>													
Week 1	432,839.19	611,792.22	634,393.97	392,942.03	511,190.69	765,202.67	452,054.94	746,936.88					4,547,352.59
Week 2	554,299.98	565,185.73	550,363.71	538,528.20	585,771.56	597,840.20	600,965.15	525,260.61					4,518,215.14
Week 3	601,467.77	627,556.90	513,594.51	589,275.06	461,070.05	512,405.44	529,949.58						3,835,319.31
Week 4	528,903.71	439,440.47	642,640.85	525,129.11	514,988.48	630,243.69	608,842.81						3,890,189.12
Week 5				574,994.53		556,964.35							1,131,958.88
Subtotal	2,117,510.65	2,243,975.32	2,340,993.04	2,620,868.93	2,073,020.78	3,062,656.35	2,191,812.48	1,272,197.49	0.00	0.00	0.00	0.00	17,923,035.04



received
05/11/23

Monthly Report

CHRISTUS SPOHN HEALTH SYSTEM CORP /
NUECES COUNTY HOSPITAL DISTRICT

02/01/2023 to 02/28/2023

Your Account Administrator is

ALICE WOLAN 678-221-5948

Other Interested Party

Your Relationship Manager

Prepared by: TMI TRUST COMPANY
5901 PEACHTREE DUNWOODY RD
SUITE C495
ATLANTA, GA 30328

(800) 241-5568

Prepared for:
NUECES COUNTY HOSPITAL DISTRICT
ATTN: JONNY HIPPI
555 NORTH CARANCAHUA ST STE 950
CORPUS CHRISTI, TX 78401-0835



Summary of Activity

Portfolio Value on 01/31/2023	10,077,920.78
Additions	0.00
Distributions	0.00
Expenses	0.00
Unrealized Gains since Market Value of 01/31/2023	0.00
Dividends Received	0.00
Interest Received	0.00
Other Income Received	0.00
Management Fees	0.00
Portfolio Value on 02/28/2023	10,077,920.78

Portfolio Allocation

Asset Class	Market Value	Book Value	Est. Annual Income	Current Yield
CASH & EQUIVALENTS	10,077,920.78	10,077,920.78	1,226,877.81	12.17%
Total	10,077,920.78	10,077,920.78	1,226,877.81	12.17%

	Units	Price	Market Value
BANK ACCOUNTS			
MONEY MARKET FUNDS			
1. BLACKROCK LIQUIDITY FUNDS (BTCXX)	10,077,920.7800	1.0000	10,077,920.78
TOTAL BANK ACCOUNTS			<u>10,077,920.78</u>
	TOTAL INVESTMENTS		10,077,920.78
	*INCOME CASH ON HAND		0.00
	*PRINCIPAL CASH ON HAND		0.00
	TOTAL ASSETS		<u>10,077,920.78</u>

TOTAL CASH: 0.00

* Income and principal cash are held in
TMI BANK DEPOSIT SERIES IV



Trust Company
Specialized Trust Services

REPORT OF INCOME CASH

CHRISTUS SPOHN HEALTH SYSTEM CORP /
NUECES COUNTY HOSPITAL DISTRICT

ACCOUNT **██████████** FOR DATES 02/01/2023 TO 02/28/2023

NO TRANSACTIONS DURING THIS PERIOD

INCOME CASH BALANCE

0.00



received
05/11/23

Monthly Report

CHRISTUS SPOHN HEALTH SYSTEM CORP /
NUECES COUNTY HOSPITAL DISTRICT

03/01/2023 to 03/31/2023

Your Account Administrator is

ALICE WOLAN 678-221-5948

Other Interested Party

Your Relationship Manager

Prepared by: TMI TRUST COMPANY
5901 PEACHTREE DUNWOODY RD
SUITE C495
ATLANTA, GA 30328

(800) 241-5568

Prepared for:

NUECES COUNTY HOSPITAL DISTRICT
ATTN: JONNY HIPPI
555 NORTH CARANCAHUA ST STE 950
CORPUS CHRISTI, TX 78401-0835



Summary of Activity

Portfolio Value on 02/28/2023	10,077,920.78
Additions	0.00
Distributions	0.00
Expenses	0.00
Unrealized Gains since Market Value of 02/28/2023	0.00
Dividends Received	29,544.73
Interest Received	0.00
Other Income Received	0.00
Management Fees	0.00
Portfolio Value on 03/31/2023	<u>10,107,465.51</u>

Portfolio Allocation

Asset Class	Market Value	Book Value	Est. Annual Income	Current Yield
CASH & EQUIVALENTS	10,107,465.51	10,107,465.51	1,230,474.56	12.17%
Total	10,107,465.51	10,107,465.51	1,230,474.56	12.17%

	Units	Price	Market Value
BANK ACCOUNTS			
MONEY MARKET FUNDS			
1. BLACKROCK LIQUIDITY FUNDS (BTCXX)	10,107,465.5100	1.0000	10,107,465.51
TOTAL BANK ACCOUNTS			<u>10,107,465.51</u>
TOTAL INVESTMENTS			10,107,465.51
*INCOME CASH ON HAND			0.00
*PRINCIPAL CASH ON HAND			<u>0.00</u>
TOTAL ASSETS			<u><u>10,107,465.51</u></u>

TOTAL CASH: 0.00

* Income and principal cash are held in TMI BANK DEPOSIT SERIES IV

12.5% Aggregate



REPORT OF INCOME CASH

CHRISTUS SPOHN HEALTH SYSTEM CORP /
NUECES COUNTY HOSPITAL DISTRICT

ACCOUNT ~~334372~~ FOR DATES 03/01/2023 TO 03/31/2023

BEGINNING BALANCE

0.00

NO TRANSACTIONS DURING THIS PERIOD

INCOME CASH BALANCE

0.00



REPORT OF PRINCIPAL CASH
CHRISTUS SPOHN HEALTH SYSTEM CORP /
NUECES COUNTY HOSPITAL DISTRICT
ACCOUNT XXXXXXXXXX FOR DATES 03/01/2023 TO 03/31/2023

BEGINNING BALANCE	0.00
NO TRANSACTIONS DURING THIS PERIOD	
PRINCIPAL CASH BALANCE	<u><u>0.00</u></u>





Trust Company
Specialized Trust Services

REPORT OF NON-CASH ENTRIES

CHRISTUS SPOHN HEALTH SYSTEM CORP /
NUECES COUNTY HOSPITAL DISTRICT

ACCOUNT **343721** FOR DATES 03/01/2023 TO 03/31/2023

	Market Value	Book Value
NON-CASH INCREASES		
1. DIVIDEND REINVESTMENT		
Dividend Reinvestment		
BLACKROCK LIQUIDITY FUNDS		
03/01/2023 29,544.73 shares at 1.00	29,544.73	29,544.73
	<u>29,544.73</u>	<u>29,544.73</u>
Total Dividend Reinvestment	29,544.73	29,544.73
TOTAL DIVIDEND REINVESTMENT	29,544.73	29,544.73
	<u>29,544.73</u>	<u>29,544.73</u>
TOTAL NON-CASH INCREASES	<u>29,544.73</u>	<u>29,544.73</u>

Nueces County Hospital District
 Nueces LPPF Activity
 Fiscal Year 2023

	October	November	December	January	February	March	April	May	June	July	August	September	Totals
Beginning Balan	21,552,873.57	42,028,688.29	28,342,155.37	28,679,061.23	28,584,342.66	27,893,368.68	27,729,787.30	27,812,165.28	27,812,165.28	27,812,165.28	27,812,165.28	27,812,165.28	21,552,873.57
<u>Deposits</u>													
Christus Spohn	8,593,003.25	8,593,003.25			8,593,003.25								25,779,009.75
CCMC	5,715,374.00	5,715,374.00			5,715,374.00								17,146,122.00
CC Rehab	261,256.50		261,256.50		261,256.50								783,769.50
Driscoll	4,689,720.50	4,689,720.50			4,689,720.50								14,069,161.50
PAM Specialty	341,892.50	341,892.50			341,892.50								1,025,677.50
PAM Rehab	340,715.25	340,715.25			340,715.25								1,022,145.75
S. TX Surgical	604,730.50	604,730.50			604,730.50								1,814,191.50
Subtotal	20,546,692.50	20,285,436.00	261,256.50	0.00	20,546,692.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	61,640,077.50
Interest	79,122.22	65,114.16	75,649.36	78,102.36	28,869.96	84,069.36	82,377.98						493,305.40
Transfers In													0.00
Total Deposits	20,625,814.72	20,350,550.16	336,905.86	78,102.36	20,575,562.46	84,069.36	82,377.98	0.00	0.00	0.00	0.00	0.00	62,133,382.90
<u>Inter-Governmental Transfers</u>													
UC					(21,266,536.44)	(247,650.74)							(21,514,187.18)
DSRIP				(172,820.93)									(172,820.93)
CHIRP		(33,564,840.35)											(33,564,840.35)
TIPPS		(472,242.73)											(472,242.73)
DSH													0.00
UHRIP													0.00
Total IGT's	0.00	(34,037,083.08)	0.00	(172,820.93)	(21,266,536.44)	(247,650.74)	0.00	0.00	0.00	0.00	0.00	0.00	(55,724,091.19)
Transfers Out	(150,000.00)												(150,000.00)
Bank Fees													0.00
Ending Balance	42,028,688.29	28,342,155.37	28,679,061.23	28,584,342.66	27,893,368.68	27,729,787.30	27,812,165.28	27,812,165.28	27,812,165.28	27,812,165.28	27,812,165.28	27,812,165.28	27,812,165.28

Nueces County Hospital District
 Medicaid Payment Programs/Directed Payment Programs
 Estimated Provider Payments & IGT History
 FY2012 to Present

Provider	DSRIP	UC	DSH	UHRIP	NAIP	CHIRP	TIPPS	TOTALS	
Christus Spohn - Corpus Christi	393,130,704	513,477,784	243,047,439	55,407,073	125,747,842	54,737,093	3,695,883	1,389,243,818	50%
Christus Spohn Rural (Alice/Beeville/Kleberg)	48,398,858	190,540,599	0	14,881,126	0	13,316,178	0	267,136,761	10%
Corpus Christi Medical Center	121,850,134	150,371,700	0	47,953,129	0	81,469,339	0	401,644,302	15%
Driscoll Childrens Hospital	314,822,705	21,671,406	0	0	0	257,473,610	479,717	594,447,438	22%
Detar Hospital	24,949,804	47,723,156	0	15,297,365	0	0	0	87,970,325	3%
North Bay General Hospital	0	0	0	503,238	0	0	0	503,238	0%
South Texas Surgical Hospital	0	0	0	902,639	0	0	0	902,639	0%
Corpus Chrisit Rehab Hospital	0	0	0	296,670	0	0	0	296,670	0%
PAM Specialty Hospital	0	0	0	1,330	0	0	0	1,330	0%
PAM Rehab Hospital	0	0	0	147,501	0	0	0	147,501	0%
Nueces County Health Dept	21,809,410	0	0	0	0	0	0	21,809,410	1%
TOTALS	924,961,614	923,784,645	243,047,439	135,390,071	125,747,842	406,996,220	4,175,601	2,764,103,432	100%

* Estimated Receipts for Entities (IGT + FMAP), Subject to HHSC Review and Administrative Fees

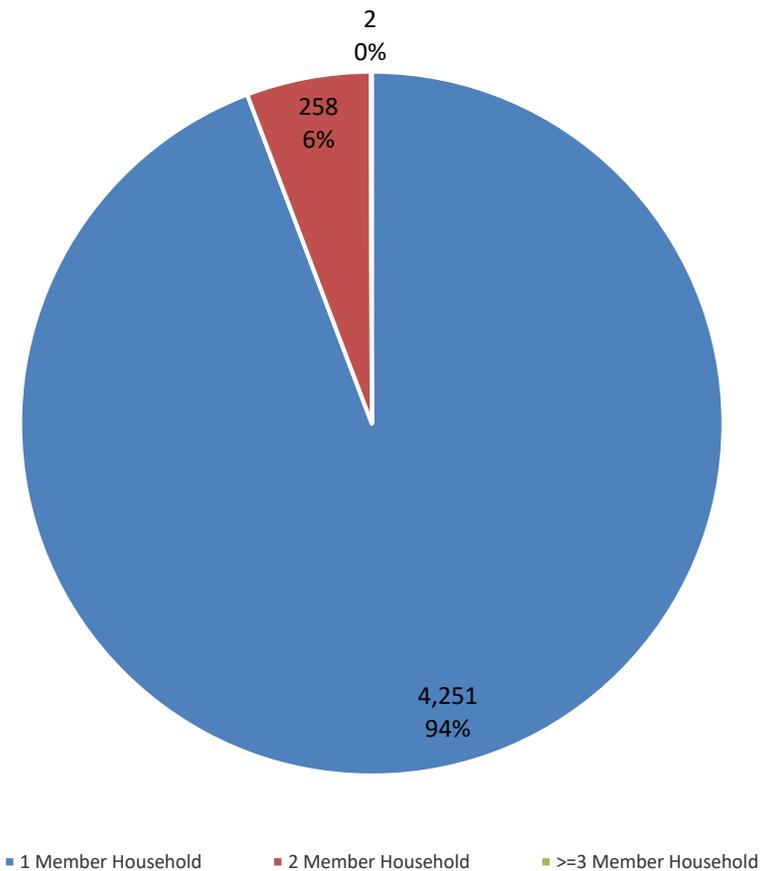
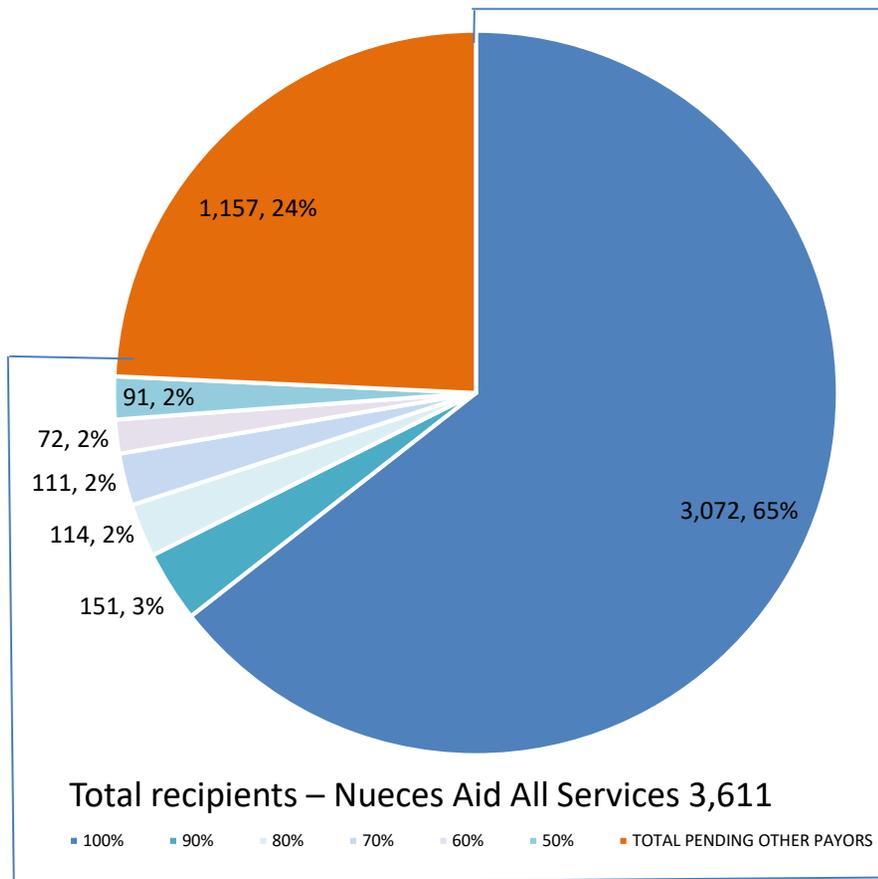
IGT Source	DSRIP	UC	DSH	UHRIP	NAIP	CHIRP	TIPPS	TOTALS
Nueces County Hospital District	338,108,299	302,738,784	86,057,032	59,112,085	49,415,457	0	0	835,431,656
Nueces LPPF	27,902,997	57,780,091	7,478,253	0	0	149,458,340	1,777,123	244,396,804
TOTALS	366,011,295	360,518,875	93,535,285	59,112,085	49,415,457	149,458,340	1,777,123	1,079,828,460

April 2023

Nueces Aid Program Enrollment

Total Enrolled
4,768

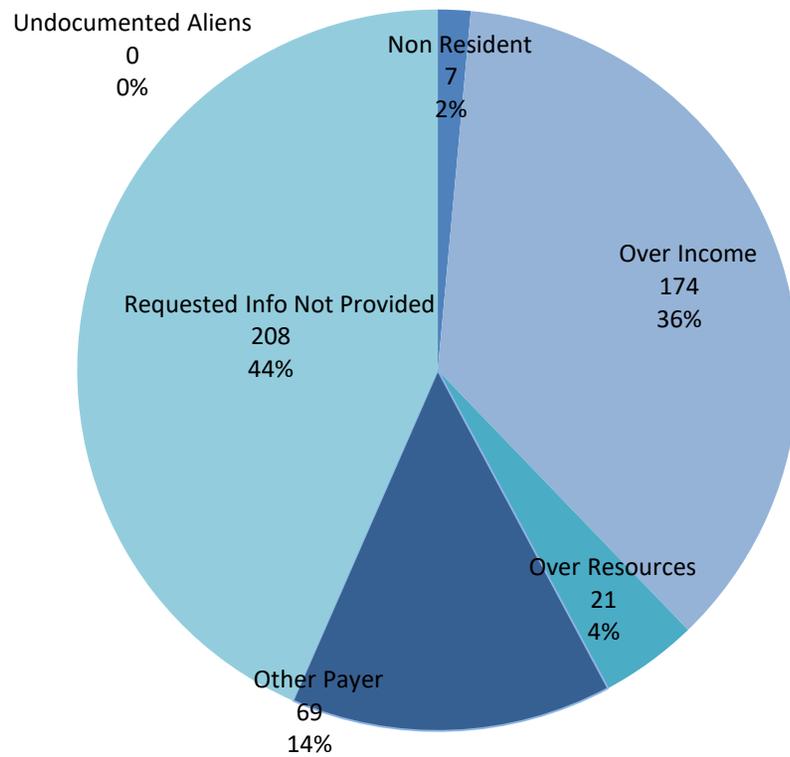
Total Households
4,511



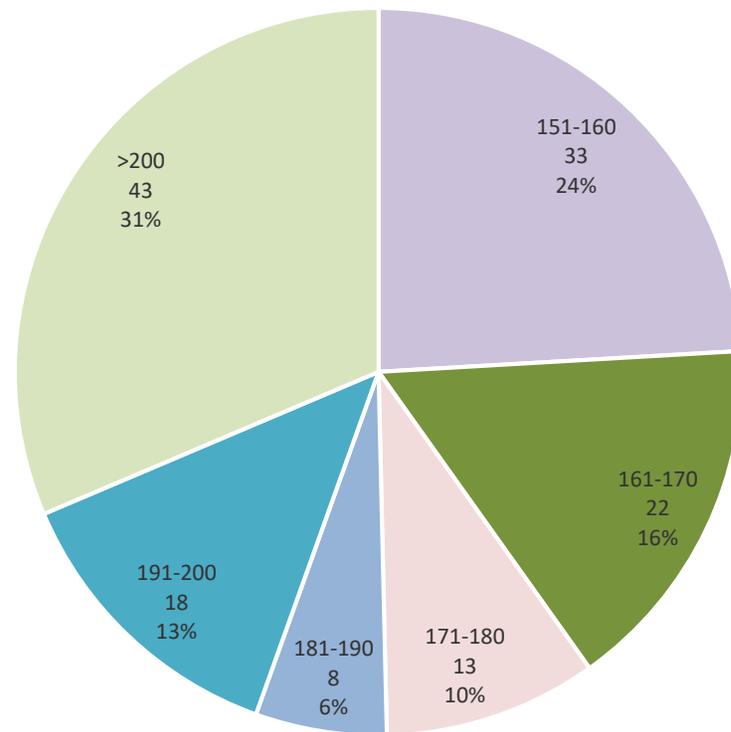
NUECES AID DENIALS

Calendar Year 2023
January-April

Denial Reasons



Comparison of Over Income Case to 2023 HHS Poverty Guidelines



**Nueces Aid Program
Application Processing Summary Calendar Year 2023**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD 2023	Comments
TOTAL APPLICATIONS	923	759	958	821									3,461	
- Approved	789	653	844	696									2,982	
%	85.5%	86.0%	88.1%	84.8%									86.2%	Since FY 1999, the denial rate is based on all denied individuals in the household.
- Denied	134	106	114	125									479	
%	14.5%	14.0%	11.9%	15.2%									13.8%	
APPROVALS BY PLAN TYPE														
NUECES AID - All Services														
100%	551	446	596	463									2,056	
%	69.8%	68.3%	70.6%	66.5%									68.9%	
90%	27	24	24	27									102	
%	3.4%	3.7%	2.8%	3.9%									3.4%	
80%	20	21	20	16									77	
%	2.5%	3.2%	2.4%	2.3%									2.6%	
70%	17	15	17	16									65	The percentage of approvals by plan option is calculated by dividing the number for each plan option by the total number of approved applications.
%	2.2%	2.3%	2.0%	2.3%									2.2%	
60%	11	18	7	11									47	
%	1.4%	2.8%	0.8%	1.6%									1.6%	
50%	19	11	21	22									73	
%	2.4%	1.7%	2.5%	3.2%									2.4%	
TOTAL	645	535	685	555									2,420	
%	81.7%	81.9%	81.2%	79.7%									81.2%	
HOUSEHOLDS BY SIZE - APPROVED														
1 Member Household	690	599	732	622									2,643	The percentage for each size household is calculated by dividing the number of households in the category by the total number of approved households.
%	93.2%	95.7%	92.8%	94.4%									93.9%	
2 Member Household	50	27	56	37									170	
%	6.8%	4.3%	7.1%	5.6%									6.0%	
3 or > Member Household	0	0	1	0									1	Households pending other payors are not included.
%	0.0%	0.0%	0.1%	0.0%									0.0%	
TOTAL HOUSEHOLDS APPROVED	740	626	789	659									2,814	

**Nueces Aid Program
Application Processing Summary Calendar Year 2023**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD 2023	Comments
NCHD DENIALS - Reasons for Denials														
Non Resident	1	0	2	4									7	The percentage for each denial reason is calculated by dividing the number of individuals for each reason by the total number of individuals denied.
%	0.7%	0.0%	1.8%	3.2%									1.5%	
Over Income	57	49	34	34									174	
%	42.5%	46.2%	29.8%	27.2%									36.3%	
Over Resources	6	2	6	7									21	
%	4.5%	1.9%	5.3%	5.6%									4.4%	
Other Payer	27	13	12	17									69	
%	20.1%	12.3%	10.5%	13.6%									14.4%	
Requested Info Not Provided	43	42	60	63									208	
%	32.1%	39.6%	52.6%	50.4%									43.4%	
Undocumented Aliens	0	0	0	0									0	Note: UA code eff 08/01/01
%	0.0%	0.0%	0.0%	0.0%									0.0%	
TOTAL DENIALS	134	106	114	125									479	
HOUSEHOLDS BY SIZE - DENIED														
1 Member Household	99	86	88	98									371	The denial percentage for each size household is calculated by dividing the number for each household size by the total number of denied households.
%	83.2%	89.6%	87.1%	87.5%									86.7%	
2 Member Household	16	10	13	14									53	
%	13.4%	10.4%	12.9%	12.5%									12.4%	
3 or > Member Household	4	0	0	0									4	Households pending other payors are not included.
%	3.4%	0.0%	0.0%	0.0%									0.9%	
TOTAL HOUSEHOLDS DENIED	119	96	101	112									428	
PENDING APPLICATIONS														
Pending documentation	91	93	102	85									93	The YTD number for incomplete applications is the average of the monthly incomplete applications.
TANF	8	5	18	16									16	
SSI-SSID	63	58	75	66									66	
Other Payor	73	55	66	59									59	

**NCHD
Eligibility History**

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	CY Total	Avg
2018														
NCHD	5,630	5,708	5,674	5,613	5,471	5,481	5,492	5,438	5,396	5,467	5,673	5,235	66,278	5,523
Pend	1,488	1,483	1,398	1,386	1,349	1,336	1,324	1,317	1,337	1,327	1,313	1,270	16,328	1,361
Total	7,118	7,191	7,072	6,999	6,820	6,817	6,816	6,755	6,733	6,794	6,986	6,505	82,606	6,884
% of PY	97%	99%	97%	96%	93%	93%	93%	94%	94%	94%	98%	93%	95%	95%
2019														
NCHD	5,277	5,181	5,075	5,024	4,957	4,961	4,996	4,943	4,970	5,064	4,944	4,821	60,213	5,018
Pend	1,294	1,260	1,289	1,305	1,274	1,281	1,330	1,356	1,339	1,357	1,330	1,277	15,692	1,308
Total	6,571	6,441	6,364	6,329	6,231	6,242	6,326	6,299	6,309	6,421	6,274	6,098	75,905	6,325
% of PY	92%	90%	90%	90%	91%	92%	93%	93%	94%	95%	90%	94%	92%	92%
2020														
NCHD	4,963	4,955	4,903	4,731	5,132	4,698	4,198	3,660	3,260	3,604	3,752	3,868	51,724	4,310
Pend	1,268	1,243	1,218	1,141	1,187	1,106	1,043	968	861	899	923	945	12,802	1,067
Total	6,231	6,198	6,121	5,872	6,319	5,804	5,241	4,628	4,121	4,503	4,675	4,813	64,526	5,377
% of PY	95%	96%	96%	93%	101%	93%	83%	73%	65%	70%	75%	79%	85%	85%
2021														
NCHD	3,806	3,678	3,567	3,521	3,667	3,852	3,953	4,080	4,142	4,091	3,948	3,863	46,168	3,847
Pend	932	921	922	964	981	1,014	1,052	1,028	1,039	1,060	1,070	1,076	12,059	1,005
Total	4,738	4,599	4,489	4,485	4,648	4,866	5,005	5,108	5,181	5,151	5,018	4,939	58,227	4,852
% of PY	76%	74%	73%	76%	74%	84%	95%	110%	126%	114%	107%	103%	90%	90%
2022														
NCHD	3,781	3,711	3,738	3,755	3,805	3,869	3,910	3,945	4,042	3,987	3,884	3,785	46,212	3,851
Pend	1,093	1,061	1,110	1,113	1,144	1,150	1,147	1,183	1,191	1,191	1,181	1,171	13,735	1,145
Total	4,874	4,772	4,848	4,868	4,949	5,019	5,057	5,128	5,233	5,178	5,065	4,956	59,947	4,996
% of PY	103%	104%	108%	109%	106%	103%	101%	100%	101%	101%	101%	100%	103%	103%
2023														
NCHD	3,767	3,186	3,727	3,611									14,291	3,573
Pend	1,145	1,677	1,148	1,157									5,127	1,282
Total	4,912	4,863	4,875	4,768	-	-	-	-	-	-	-	-	19,418	4,855
% of PY	101%	102%	101%	98%	0%	0%	0%	0%	0%	0%	0%	0%	32%	97%



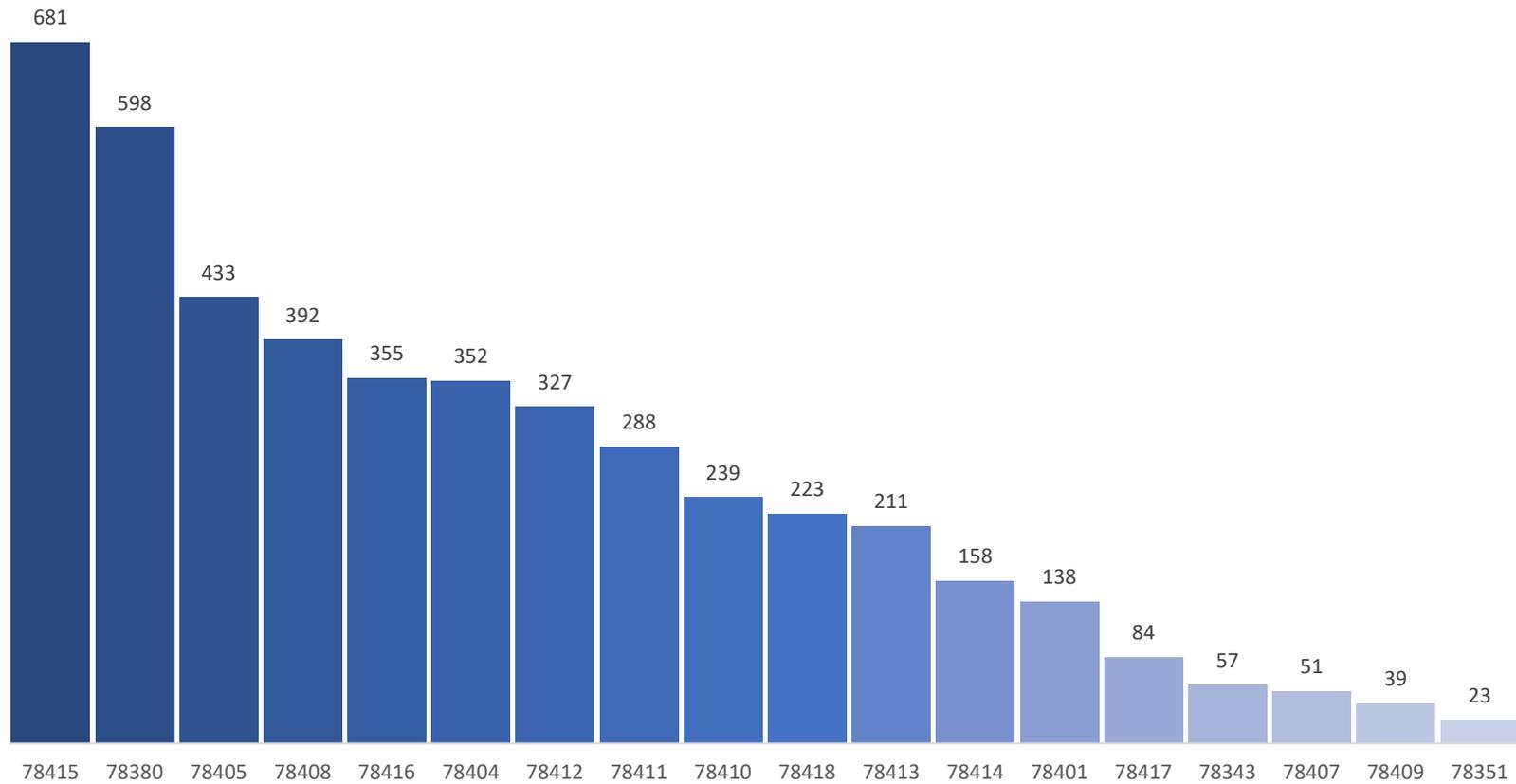
**Annual Comparative Enrollment Report
Calendar Year 2023**

Month	Enrollment		Increase/(Decrease)	
	2023	2022	%	Enrollees
Jan	4,912	4,874	0.78%	38
Feb	4,863	4,772	1.91%	91
Mar	4,875	4,848	0.56%	27
Apr	4,768	4,868	-2.05%	-100
May				
Jun				
Jul				
Aug				
Sep				
Oct				
Nov				
Dec				



Nueces County Hospital District

Enrollment by Zipcode as of April 2023

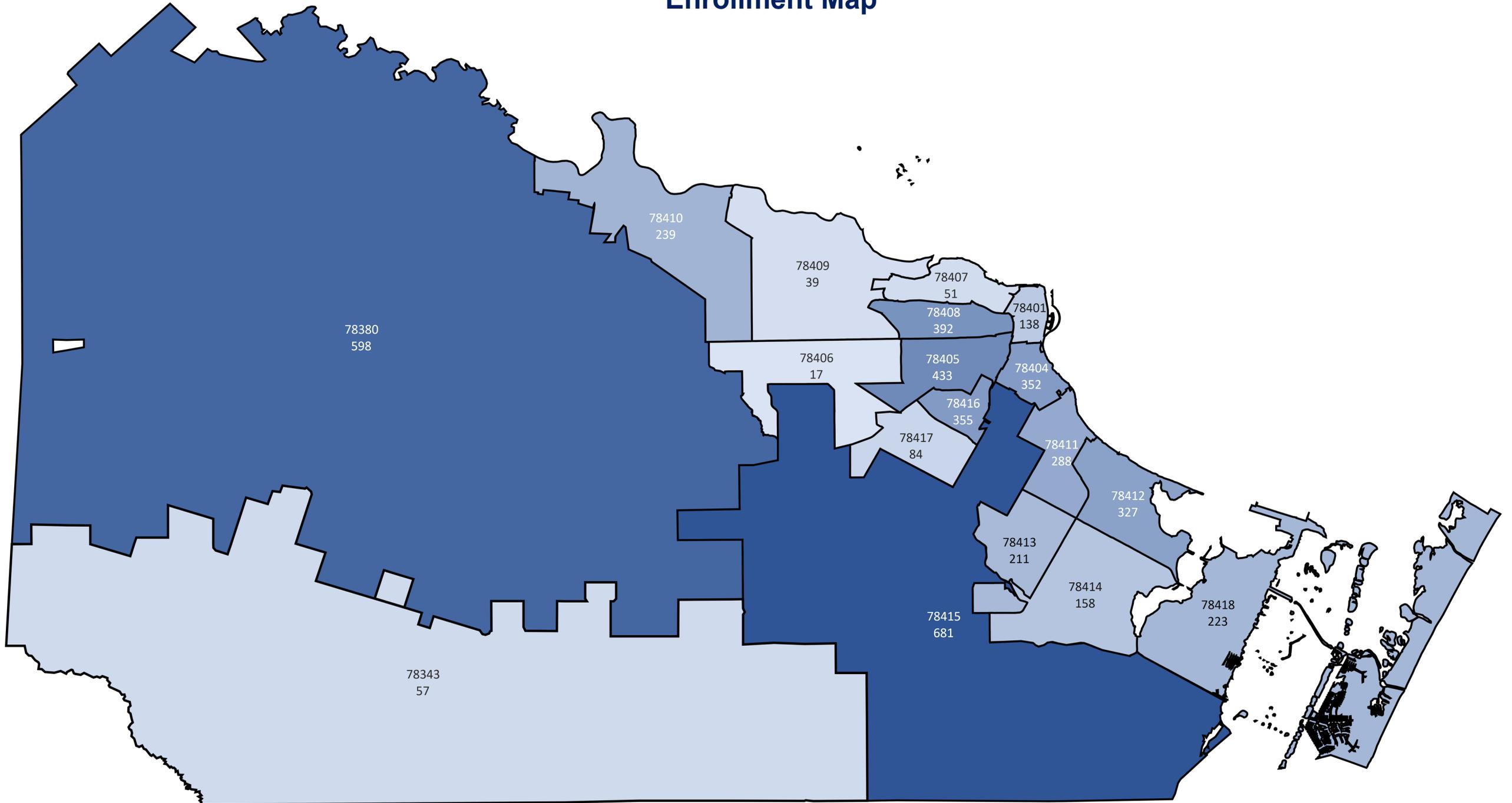


**Nueces County Hospital District
Enrollment by Zip Code
As of 4/30/2023**

Zip Code	Description	Members	% to Total
78415	CC:FM 665 to CR 61 to County Line to Weber & Crosstown	681	14%
78380	Robstown	598	13%
78405	CC:19th to Port Ave to Agnes, includes HPG	433	9%
78408	CC:Hwy 358 to Lipan Between I-37 & Agnes	392	8%
78416	CC:Hwy 358 to Old Brownsville to Tarlton to Weber, includes Molina	355	7%
78404	CC:Six Points	352	7%
78412	CC:Airline to Hwy 358 to Ennis Joslin to Ocean Drive	327	7%
78411	CC:Ocean Drive to So Staples to Hwy 358 to Weber to Kostoryz	288	6%
78410	CC:Annville and Calallen	239	5%
78418	CC:Flour Bluff	223	5%
78413	CC:Weber to Holly rd to So Staples to Oso Pkwy	211	4%
78414	CC:So Staples to Holly Rd to Cayo Del Oso to Oso Creek	158	3%
78401	CC:Downtown and Cargo Docks	138	3%
78417	CC:Old Brownsville to Ayers to Saratoga	84	2%
78343	Bishop + FM 665 to CR 107 W to CR 57E	57	1%
78407	CC: I-37 Up River Rd to South Port Ave to Joe Fulton Corridor	51	1%
78409	CC:Hwy 44 to Up River Rd to Rand Morgan E to Hwy 358	39	1%
78351	Driscoll	23	0%
	Subtotal	4,649	98%
	Total	4,768	



Nueces County Hospital District Enrollment Map



Nueces County Hospital District
Combined Balance Sheet - All Fund Types & Account Groups
As of 04/30/2023
(In Whole Numbers)

	General Fund	Special Revenue Fund	Trust Fund	General Fixed Assets	General Long Term Debt	TOTAL
Assets						
Cash & Cash Equivalents	82,013,544 *	20,724,066	68,398	0	0	102,806,008
Investments	0	35,414,504	0	0	0	35,414,504
Accrued Interest	0	127,872	268	0	0	128,140
Taxes Receivable, Net of Allowance	5,655,500	0	0	0	0	5,655,500
Other Receivables	591,171	0	0	0	0	591,171
Due from Other Funds	17,302	0	0	0	0	17,302
Prepaid Expenditures	100,877	0	0	0	0	100,877
Restricted Cash & Cash Equivalents - LPPF	27,812,165	0	0	0	0	27,812,165
Fixed Assets	0	0	0	14,157,641	0	14,157,641
Am't to be Provided for Retirement of LT Debt	0	0	0	0	65,503	65,503
Total Assets	116,190,559	56,266,442	68,666	14,157,641	65,503	186,748,812
Liabilities						
Accounts Payable	3,114,599	0	0	0	0	3,114,599
Accrued Payroll & Related Liabilities	336,247	0	0	0	0	336,247
Intergovernmental Transfer Obligations	27,812,165	0	0	0	0	27,812,165
Due to Other Funds	0	0	17,302	0	0	17,302
Deferred Revenue	5,655,500	0	0	0	0	5,655,500
Long Term Paid Time Off	0	0	0	0	65,503	65,503
Total Liabilities	36,918,511	0	17,302	0	65,503	37,001,317
Fund Equity						
Fund Balance	43,468,250	0	51,364	14,157,641	0	57,677,255
Committed to:						
Intergovernmental Transfers	35,803,798	0	0	0	0	35,803,798
Indigent Care	0	55,555,082	0	0	0	55,555,082
Assigned to County Health Care	0	711,360	0	0	0	711,360
Total Fund Equity	79,272,048	56,266,442	51,364	14,157,641	0	149,747,495
Total Liabilities & Fund Equity	116,190,559	56,266,442	68,666	14,157,641	65,503	186,748,812

* General Fund Cash & Equivalents balance includes \$35,803,798 in committed funds.

Nueces County Hospital District
Statement of Revenues and Expenditures - All Governmental and Trust Funds
General Fund
From 4/1/2023 Through 4/30/2023
(In Whole Numbers)

	<u>Current Period Actual</u>	<u>Current Year Actual</u>
Revenues		
Taxes	329,731	36,859,506
Penalties & Interest - Taxes	43,979	207,888
Spohn Corporate Member Revenue	2,191,812	16,650,838
Investment Income	320,843	1,619,928
Other Income	679	403,614
Total Revenues	<u>2,887,045</u>	<u>55,741,774</u>
Current Expenditures		
Intergovernmental Transfers	634,321	8,665,888
County Healthcare Funding	976,400	7,120,272
Salaries	106,548	792,596
Benefits	64,992	416,526
Legal & Professional Fees	93,570	412,247
Purchased Services	82,079	795,439
Supplies & Materials	1,033	10,484
Rent & Leases	13,082	88,223
Repairs & Maintenance	0	142
Utilities	2,831	19,644
Insurance	1,985	13,897
Administrative & General	13,097	46,141
Capital Outlay	0	3,937
Total Current Expenditures	<u>1,989,939</u>	<u>18,385,435</u>
Excess of Revenues Over Expenditures Before Sources/Uses	<u>897,105</u>	<u>37,356,339</u>
Excess of Revenues Over Expenditures After Sources & Uses	<u>897,105</u>	<u>37,356,339</u>
Fund Balance, Beginning of Year		41,915,709
FUND BALANCE, END OF YEAR		<u><u>79,272,048</u></u>

UNAUDITED

Nueces County Hospital District
Statement of Revenues and Expenditures - All Governmental and Trust Funds
Special Revenue Fund
From 4/1/2023 Through 4/30/2023
(In Whole Numbers)

	<u>Current Period Actual</u>	<u>Current Year Actual</u>
Revenues		
Investment Income	111,082	674,756
Tobacco Settlement Proceeds	<u>710,315</u>	<u>710,315</u>
Total Revenues	<u>821,398</u>	<u>1,385,071</u>
 Excess of Revenues Over Expenditures Before Sources/Uses	 <u>821,398</u>	 <u>1,385,071</u>
 Excess of Revenues Over Expenditures After Sources & Uses	 <u>821,398</u>	 <u>1,385,071</u>
 Fund Balance, Beginning of Year		54,881,371
 FUND BALANCE, END OF YEAR		<u><u>56,266,442</u></u>

Nueces County Hospital District
Statement of Revenues and Expenditures - All Governmental and Trust Funds
Trust Fund
From 4/1/2023 Through 4/30/2023
(In Whole Numbers)

	Current Period Actual	Current Year Actual
Revenues		
Investment Income	268	1,637
Total Revenues	268	1,637
Current Expenditures		
Benefits	1,297	13,277
Administrative & General	1,126	1,303
Total Current Expenditures	2,423	14,579
Excess of Revenues Over Expenditures Before Sources/Uses	(2,156)	(12,942)
Excess of Revenues Over Expenditures After Sources & Uses	(2,156)	(12,942)
Fund Balance, Beginning of Year		64,306
FUND BALANCE, END OF YEAR		51,364

Nueces County Hospital District
Statement of Revenues and Expenditures - Actual v. Budget
General Fund
From 4/1/2023 Through 4/30/2023
(In Whole Numbers)

UNAUDITED

	Current Period Actual	Current Period Budget	Current Period Budget Variance	Current Year Actual	YTD Budget	YTD Budget Variance
Revenues						
Taxes	329,731	391,878	(62,147)	36,859,506	36,469,301	390,205
Penalties & Interest - Taxes	43,979	22,077	21,902	207,888	204,551	3,337
Spohn Corporate Member Revenue	2,191,812	2,333,333	(141,521)	16,650,838	16,333,331	317,507
Investment Income	320,843	39,625	281,218	1,619,928	215,669	1,404,259
Other Income	679	0	679	403,614	250,000	153,614
Total Revenues	<u>2,887,045</u>	<u>2,786,913</u>	<u>100,132</u>	<u>55,741,774</u>	<u>53,472,852</u>	<u>2,268,922</u>
Current Expenditures						
Intergovernmental Transfers	634,321	643,786	9,465	8,665,888	10,828,039	2,162,151
County Healthcare Funding	976,400	1,001,904	25,504	7,120,272	7,198,328	78,056
Salaries	106,548	137,446	30,898	792,596	1,002,053	209,457
Benefits	64,992	71,941	6,949	416,526	450,209	33,683
Legal & Professional Fees	93,570	129,667	36,097	412,247	907,673	495,426
Purchased Services	82,079	103,820	21,741	795,439	910,051	114,612
Supplies & Materials	1,033	1,791	758	10,484	12,545	2,061
Rent & Leases	13,082	13,875	793	88,223	97,129	8,906
Repairs & Maintenance	0	834	834	142	5,838	5,696
Utilities	2,831	4,000	1,169	19,644	28,000	8,356
Insurance	1,985	2,566	581	13,897	17,970	4,073
Administrative & General	13,097	36,534	23,437	46,141	255,754	209,613
Capital Outlay	0	0	0	3,937	215,400	211,463
Extraordinary	0	417	417	0	2,919	2,919
Total Current Expenditures	<u>1,989,939</u>	<u>2,148,581</u>	<u>158,642</u>	<u>18,385,435</u>	<u>21,931,908</u>	<u>3,546,473</u>
Excess of Revenues Over Expenditures Before Sources/Uses	<u>897,105</u>	<u>638,332</u>	<u>258,773</u>	<u>37,356,339</u>	<u>31,540,944</u>	<u>5,815,395</u>
Excess of Revenues Over Expenditures After Sources & Uses	<u>897,105</u>	<u>638,332</u>	<u>258,773</u>	<u>37,356,339</u>	<u>31,540,944</u>	<u>5,815,395</u>
Fund Balance, Beginning of Year				41,915,709	0	41,915,709
FUND BALANCE, END OF YEAR				<u>79,272,048</u>	<u>31,540,944</u>	<u>47,731,104</u>

Nueces County Hospital District
Statement of Revenues and Expenditures - Actual v. Budget
Tobacco Settlement Fund
From 4/1/2023 Through 4/30/2023
(In Whole Numbers)

UNAUDITED

	Current Period Actual	Current Period Budget	Current Period Budget Variance	Current Year Actual	YTD Budget	YTD Budget Variance
Revenues						
Investment Income	283	0	283	298	0	298
Tobacco Settlement Proceeds	<u>710,315</u>	<u>600,000</u>	<u>110,315</u>	<u>710,315</u>	<u>600,000</u>	<u>110,315</u>
Total Revenues	<u>710,598</u>	<u>600,000</u>	<u>110,598</u>	<u>710,613</u>	<u>600,000</u>	<u>110,613</u>
Excess of Revenues Over Expenditures Before Sources/Uses	<u>710,598</u>	<u>600,000</u>	<u>110,598</u>	<u>710,613</u>	<u>600,000</u>	<u>110,613</u>
Other Financing Sources & Uses						
Operating Transfers Out	<u>0</u>	<u>600,000</u>	<u>600,000</u>	<u>0</u>	<u>600,000</u>	<u>600,000</u>
Total Other Financing Sources & Uses	<u>0</u>	<u>600,000</u>	<u>600,000</u>	<u>0</u>	<u>600,000</u>	<u>600,000</u>
Excess of Revenues Over Expenditures After Sources & Uses	<u>710,598</u>	<u>0</u>	<u>710,598</u>	<u>710,613</u>	<u>0</u>	<u>710,613</u>
Fund Balance, Beginning of Year				747	0	747
FUND BALANCE, END OF YEAR				<u><u>711,360</u></u>	<u><u>0</u></u>	<u><u>711,360</u></u>

Nueces County Hospital District
Statement of Revenues and Expenditures - Actual v. Budget
Indigent Care Fund
From 4/1/2023 Through 4/30/2023
(In Whole Numbers)

UNAUDITED

	<u>Current Period Actual</u>	<u>Current Period Budget</u>	<u>Current Period Budget Variance</u>	<u>Current Year Actual</u>	<u>YTD Budget</u>	<u>YTD Budget Variance</u>
Revenues						
Investment Income	110,799	30,837	79,962	674,458	215,507	458,951
Total Revenues	<u>110,799</u>	<u>30,837</u>	<u>79,962</u>	<u>674,458</u>	<u>215,507</u>	<u>458,951</u>
Excess of Revenues Over Expenditures Before Sources/Uses	<u>110,799</u>	<u>30,837</u>	<u>79,962</u>	<u>674,458</u>	<u>215,507</u>	<u>458,951</u>
Excess of Revenues Over Expenditures After Sources & Uses	<u>110,799</u>	<u>30,837</u>	<u>79,962</u>	<u>674,458</u>	<u>215,507</u>	<u>458,951</u>
Fund Balance, Beginning of Year				54,880,624	0	54,880,624
FUND BALANCE, END OF YEAR				<u><u>55,555,082</u></u>	<u><u>215,507</u></u>	<u><u>55,339,575</u></u>

DATES OF INTEREST | 88TH LEGISLATURE

Interim

- Tuesday, November 8, 2022 General election for federal, state, and county officers
[\[Sec. 41.001\(a\)\(3\), Election Code\]](#)
- Monday, November 14, 2022 First day legislators and legislators-elect may file bills for the 88th Legislature
[\[House Rule 8, Sec. 7; Senate Rule 7.04\(a\)\]](#)

Regular Session Begins

- Tuesday, January 10, 2023 (1st day) 88th Legislature convenes at noon
[\[Sec. 5\(a\), Article III, Texas Constitution; Sec. 301.001, Government Code\]](#)

Upon the convening of the 88th Legislature

The comptroller of public accounts delivers the *Biennial Revenue Estimate* to the governor and the 88th Legislature

[\[Sec. 49a, Article III, Texas Constitution\]](#)

- Tuesday, January 17, 2023 LBB budget estimates delivered to the governor and the 88th Legislature
[\[Sec. 322.008\(c\), Government Code\]](#)

LBB general appropriations bill delivered to the governor and the 88th Legislature

[\[Sec. 322.008\(d\), Government Code\]](#)

Before the governor's State of the State address to the 88th Legislature

The governor delivers the governor's budget to the 88th Legislature

[\[Sec. 401.046\(a\), Government Code\]](#)

- Friday, March 10, 2023 (60th day) Deadline for the unrestricted filing of bills and joint resolutions other than local bills, emergency appropriations, and emergency matters submitted by the governor

[\[House Rule 8, Secs. 8 and 10\(c\); Senate Rule 7.07\(b\); Senate Rule 10.01 subjects joint resolutions to the rules governing proceedings on bills\]](#)

- Saturday, April 15, 2023 First day that a senator may place up to five bills or resolutions on the Senate Notice of Intent Calendar

[\[Senate Rule 5.14\(a\)\]](#)

- Monday, May 8, 2023 (119th day) Last day for House committees to report House bills and House joint resolutions

*[The House rules do not contain an express deadline for committees to report measures, but, technically, this is the last day for a House committee to report a House bill or House joint resolution in order for the measure to have any chance of being placed on a House calendar. **However**, this deadline **does not** take into consideration the time required to: (1) prepare the bill analysis; (2) obtain an updated fiscal note or impact statement; (3) prepare any other paperwork required for a committee report; or (4) prepare the committee report for distribution to the members of the House as required by the rules. **Realistically**, it normally takes a full day **or more** for a measure to reach the Calendars Committee after the measure has been reported from committee.]*

DATES OF INTEREST | 88TH LEGISLATURE

Tuesday, May 9, 2023, by 10 p.m. (120th day)	Deadline for the House to distribute its last House daily calendar with House bills and House joint resolutions <i>[relates to House Rule 6, Sec. 16(a), requiring 36-hour layout of daily calendars before consideration, and House Rule 8, Sec. 13(b), establishing the deadline for consideration]</i>
Wednesday, May 10, 2023, by 9 a.m. (121st day)	Deadline for the House to distribute its last House local and consent calendar with consent House bills <i>[relates to House Rule 6, Sec. 13(a), requiring 48-hour layout of local and consent calendars before consideration, and House Rule 8, Sec. 13(b), establishing the deadline for consideration]</i>
Thursday, May 11, 2023 (122nd day)	Last day for the House to consider 2nd reading House bills and House joint resolutions on the daily or supplemental calendar <i>[House Rule 8, Sec. 13(b)]</i>
Friday, May 12, 2023 (123rd day)	Last day for the House to consider consent House bills on the local and consent calendar on 2nd and 3rd reading and all 3rd reading House bills and House joint resolutions on the supplemental calendar <i>[House Rule 8, Sec. 13(b)]</i>
Monday, May 15, 2023 (126th day)	First day the Senate can consider bills and resolutions on the first day they are posted on the Senate Notice of Intent Calendar <i>[Senate Rule 5.14(b)]</i>
Wednesday, May 17, 2023, by 9 a.m. (128th day)	Deadline for the House to distribute its last House local and consent calendar with local House bills <i>[relates to House Rule 6, Sec. 13(a), requiring 48-hour layout of local and consent calendars before consideration, and House Rule 8, Sec. 13(a), establishing the deadline for consideration]</i>
Friday, May 19, 2023 (130th day)	Last day for the House to consider local House bills on the local and consent calendar on 2nd and 3rd reading <i>[House Rule 8, Sec. 13(a)]</i>
Saturday, May 20, 2023 (131st day)	Last day for House committees to report Senate bills and Senate joint resolutions <i>[The House rules do not contain an express deadline for committees to report measures, but, technically, this is the last day for a House committee to report a Senate bill or Senate joint resolution in order for the measure to have any chance of being placed on a House calendar. However, this deadline does not take into consideration the time required to: (1) prepare the bill analysis; (2) obtain an updated fiscal note or impact statement; (3) prepare any other paperwork required for a committee report; or (4) prepare the committee report for distribution to the members of the House as required by the rules. Realistically, it normally takes a full day or more for a measure to reach the Calendars Committee after the measure has been reported from committee.]</i>
Sunday, May 21, 2023, by 10 p.m. (132nd day)	Deadline for the House to distribute its last House daily calendar with Senate bills and Senate joint resolutions <i>[relates to House Rule 6, Sec. 16(a), requiring 36-hour layout of daily calendars before consideration, and House Rule 8, Sec. 13(c), establishing the deadline for consideration]</i>
Monday, May 22, 2023, by 9 a.m. (133rd day)	Deadline for the House to distribute its last House local and consent calendar with Senate bills <i>[relates to House Rule 6, Sec. 13(a), requiring 48-hour layout of local and consent calendars before consideration, and House Rule 8, Sec. 13(c), establishing the deadline for consideration]</i>

DATES OF INTEREST | 88TH LEGISLATURE

Tuesday, May 23, 2023
(134th day) Last day for the House to consider 2nd reading Senate bills and Senate joint resolutions on the daily or supplemental calendar
[\[House Rule 8, Sec. 13\(c\)\]](#)

Wednesday, May 24, 2023
(135th day) Last day for the House to consider local and consent Senate bills on 2nd and 3rd reading and all 3rd reading Senate bills and Senate joint resolutions on the supplemental calendar
[\[House Rule 8, Sec. 13\(c\)\]](#)

Last day for the Senate to consider all bills and joint resolutions on 2nd or 3rd reading*
[\[Senate Rule 7.25; Senate Rule 10.01 subjects joint resolutions to the rules governing proceedings on bills\]](#)

*[*The Senate deadline for passing all bills and joint resolutions **does not** take into consideration the House deadline for passing Senate bills and joint resolutions. **Realistically**, to be eligible for consideration by the House under its end-of-session deadlines, Senate bills and joint resolutions must be passed by the Senate and received by the House **before** the 130th day. Accordingly, even though [Senate Rule 7.24\(b\)](#) indicates the 137th day is the last day for Senate committees to report all bills and joint resolutions, the practical deadline for Senate committees to report is before the 130th day.]*

Thursday, May 25, 2023,
before midnight
(136th day) Deadline for the House to distribute Senate amendments
[\[relates to House Rule 13, Sec. 5\(a\), requiring 24-hour layout of Senate amendments before consideration, and House Rule 8, Sec. 13\(d\), establishing the deadline for acting on Senate amendments\]](#)

Friday, May 26, 2023
(137th day) Last day for the House to act on Senate amendments (concur or request a conference committee)
[\[House Rule 8, Sec. 13\(d\)\]](#)

Before midnight: deadline for the House to print and distribute House copies of a conference committee report on the general appropriations bill
[\[relates to House Rule 13, Sec. 10\(a\), requiring 48-hour layout of a conference committee report on the general appropriations bill before consideration during a regular session, and House Rule 8, Sec. 13\(e\), establishing the deadline for adoption of conference committee reports\]](#)

Before midnight: deadline for the Senate to print and distribute Senate copies of conference committee reports on tax, general appropriations, and reapportionment bills
[\[relates to Senate Rule 12.09\(a\), requiring 48-hour layout of certain conference committee reports before consideration in regular session, and Senate Rule 7.25, establishing the deadline for voting on a bill; Senate Rule 10.01 subjects joint resolutions to the rules governing proceedings on bills\]](#)

Saturday, May 27, 2023,
before midnight
(138th day) Deadline for the House to print and distribute House copies of all conference committee reports on joint resolutions and on bills other than the general appropriations bill
[\[relates to House Rule 13, Sec. 10\(a\), requiring 24-hour layout of certain conference committee reports, and House Rule 8, Sec. 13\(e\), establishing the deadline for adoption of conference committee reports\]](#)

Deadline for the Senate to print and distribute Senate copies of all conference committee reports on joint resolutions and on bills other than tax, general appropriations, and reapportionment bills
[\[relates to Senate Rule 12.09\(b\), requiring 24-hour layout of certain conference committee reports before consideration during the last 72 hours of a regular session, and Senate Rule 7.25, establishing the deadline for voting on a bill; Senate Rule 10.01 subjects joint resolutions to the rules governing71 proceedings on bills\]](#)

DATES OF INTEREST | 88TH LEGISLATURE

Sunday, May 28, 2023
(139th day) Last day for the House to adopt conference committee reports or discharge House conferees and concur in Senate amendments
[House Rule 8, Sec. 13(e)]

Last day for the Senate to concur in House amendments or adopt conference committee reports
[relates to Senate Rule 7.25, prohibiting any vote on a bill during the last 24 hours of the session except to correct an error; Senate Rule 10.01 subjects joint resolutions to the rules governing proceedings on bills]

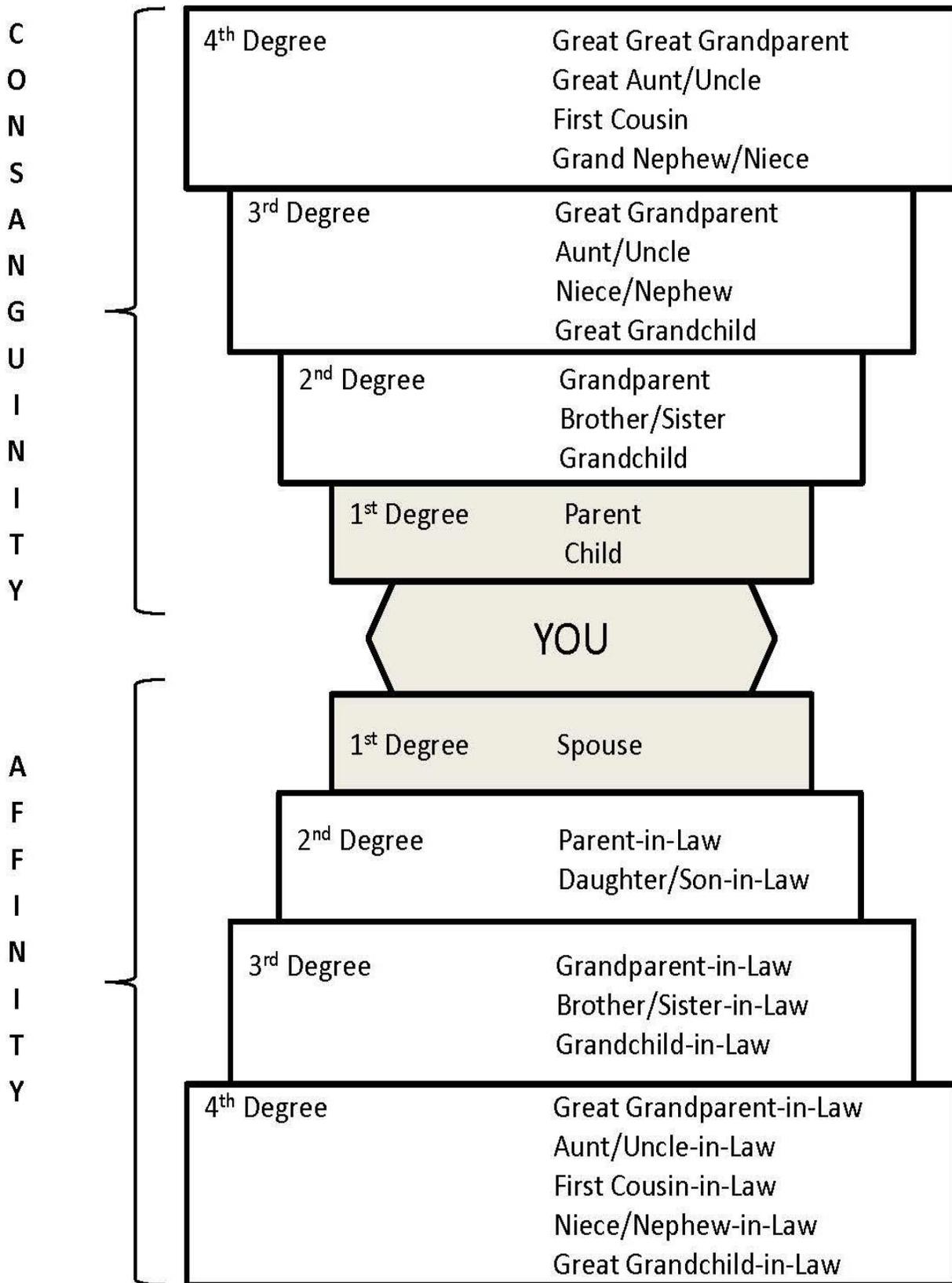
Monday, May 29, 2023
(140th day) Last day of 88th Regular Session (sine die); only corrections may be considered in the House and Senate
[Sec. 24(b), Article III, Texas Constitution; House Rule 8, Sec. 13(f); Senate Rule 7.25]

Regular Session Ends

Sunday, June 18, 2023
(20th day following final adjournment of 88th Regular Session) Last day the governor can sign or veto bills passed during the regular session
[Sec. 14, Article IV, Texas Constitution]

Monday, August 28, 2023
(91st day following final adjournment of 88th Regular Session) Date that bills without specific effective dates, other than bills with immediate effect, become law
[Sec. 39, Article III, Texas Constitution]

IMMEDIATE FAMILY MEMBERS



Note: Step relationships (step-brother, step-father, etc.) are considered to be the same as blood relationships.

Texas Legislature Online History

Bill: HB 4844

Legislative Session: 88(R)

Council Document: 88R 8300 MPF-F

Last Action: 05/19/2023 S Placed on intent calendar

Caption Version: Senate Committee Report

Caption Text: Relating to the use of a broker for the sale of real property by the Nueces County Hospital District.

Author: Herrero

Sponsor: Hinojosa

Subjects: NUECES COUNTY HOSPITAL DISTRICT (D0134)
Special Districts & Authorities--Hospital (I0750)
REAL ESTATE BROKERS (S0214)

Companion: SB 2056 by Hinojosa, Identical

House Committee: County Affairs

Status: Out of committee

Vote: Ayes=8 Nays=0 Present Not Voting=0 Absent=1

Senate Committee: Local Government

Status: Out of committee

Vote: Ayes=9 Nays=0 Present Not Voting=0 Absent=0

Actions: (descending date order)

Viewing Votes: Most Recent House Vote

	Description	Comment	Date ▼	Time	Journal Page
S	Placed on intent calendar		05/19/2023		
S	Committee report printed and distributed		05/17/2023	06:25 PM	
S	Recommended for local & uncontested calendar		05/17/2023		
S	Reported favorably w/o amendments		05/17/2023		2063
S	Vote taken in committee		05/16/2023		
S	Testimony taken in committee		05/16/2023		
S	Considered in public hearing		05/16/2023		
S	Scheduled for public hearing on . . .		05/16/2023		
S	Posting rule suspended		05/15/2023		1920
S	Referred to Local Government		05/01/2023		1440
S	Read first time		05/01/2023		1440
S	Received from the House		05/01/2023		1408
H	Reported engrossed		04/28/2023	03:03 PM	2501
H	Statement(s) of vote recorded in Journal		04/28/2023		2351
H	Record vote	RV#719	04/28/2023		2350
H	Passed		04/28/2023		2350
H	Read 3rd time		04/28/2023		2350
H	Passed to engrossment		04/27/2023		2259
H	Read 2nd time		04/27/2023		2259
H	Placed on General State Calendar		04/27/2023		
H	Considered in Calendars		04/25/2023		

H Committee report sent to Calendars	04/18/2023		
H Committee report distributed	04/17/2023	03:40 PM	
H Comte report filed with Committee Coordinator	04/17/2023		1617
H Reported favorably as substituted	04/12/2023		
H Committee substitute considered in committee	04/12/2023		
H Considered in public hearing	04/12/2023		
H Left pending in committee	04/05/2023		
H Testimony taken/registration(s) recorded in committee	04/05/2023		
H Committee substitute considered in committee	04/05/2023		
H Considered in public hearing	04/05/2023		
H Scheduled for public hearing on . . .	04/05/2023		
H Referred to County Affairs	03/23/2023	12:03 PM	858
H Read first time	03/23/2023		858
H Filed	03/10/2023		

1-1 By: Herrero (Senate Sponsor - Hinojosa) H.B. No. 4844
 1-2 (In the Senate - Received from the House May 1, 2023;
 1-3 May 1, 2023, read first time and referred to Committee on Local
 1-4 Government; May 17, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the use of a broker for the sale of real property by the
 1-20 Nueces County Hospital District.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter C, Chapter 281, Health and Safety
 1-23 Code, is amended by adding Section 281.061 to read as follows:

1-24 Sec. 281.061. NUECES COUNTY HOSPITAL DISTRICT; BROKER
 1-25 AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) In this
 1-26 section:

1-27 (1) "Broker" means a person licensed as a broker under
 1-28 Chapter 1101, Occupations Code.

1-29 (2) "District" means the Nueces County Hospital
 1-30 District.

1-31 (3) "Fair market value" means the price that a
 1-32 property would bring in an arms-length transaction when offered for
 1-33 sale by a person who wishes, but is not obliged, to sell the
 1-34 property and when bought by a person who is under no necessity of
 1-35 buying the property. The value shall be determined as if the
 1-36 property were available for immediate possession and for use for
 1-37 any reasonable purpose.

1-38 (b) Except as provided by Subsection (c), the Nueces County
 1-39 Hospital District may contract with a broker to sell a tract of real
 1-40 property that is owned by the district.

1-41 (c) The district may not contract with a broker who is
 1-42 related within the third degree of consanguinity or affinity, as
 1-43 determined under Chapter 573, Government Code, to:

1-44 (1) a member of the board of hospital managers of the
 1-45 district; or

1-46 (2) a public official who serves on the Nueces County
 1-47 Commissioners Court.

1-48 (d) The district may pay a fee if a broker produces a ready,
 1-49 willing, and able buyer to purchase a tract of real property.

1-50 (e) If a contract made under Subsection (b) requires a
 1-51 broker to list the tract of real property for sale for at least 30
 1-52 days with a multiple-listing service used by other brokers in the
 1-53 county in which the real property is located, the district, on or
 1-54 after the 30th day after the date the property is listed, may sell
 1-55 the tract of real property to a ready, willing, and able buyer who
 1-56 is produced by any broker with whom the district may contract under
 1-57 Subsection (c) using the multiple-listing service and who submits
 1-58 the most advantageous offer.

1-59 (f) The district must post a notice of intent to sell the
 1-60 real property in a newspaper of general circulation, not less than
 1-61 once, at least 30 days before the date the district accepts an offer

2-1 produced by a broker.

2-2 (g) The district may sell a tract of real property under
2-3 this section without complying with the requirements of Section
2-4 272.001, Local Government Code.

2-5 (h) The district may not sell a tract of real property under
2-6 this section for less than the fair market value of the tract of
2-7 real property, as determined by an independent appraisal prepared
2-8 by an appraiser certified under Chapter 1103, Occupations Code, and
2-9 obtained by the district in accordance with Subsection (j).

2-10 (i) The district may not sell a tract of real property under
2-11 this section to a buyer who:

2-12 (1) is related within the third degree of
2-13 consanguinity or affinity, as determined under Chapter 573,
2-14 Government Code, to:

2-15 (A) a member of the board of hospital managers of
2-16 the district;

2-17 (B) a public official who serves on the Nueces
2-18 County Commissioners Court; or

2-19 (C) the broker for the sale; or

2-20 (2) has a business or financial relationship with a
2-21 member of the board of hospital managers of the district or a public
2-22 official who serves on the Nueces County Commissioners Court that
2-23 could reasonably be expected to materially and adversely affect the
2-24 judgment of the member or public official.

2-25 (j) The district may not obtain an appraisal under
2-26 Subsection (h) from an appraiser who is related within the third
2-27 degree of consanguinity or affinity, as determined under Chapter
2-28 573, Government Code, to:

2-29 (1) a member of the board of hospital managers of the
2-30 district; or

2-31 (2) a public official who serves on the Nueces County
2-32 Commissioners Court.

2-33 SECTION 2. This Act takes effect immediately if it receives
2-34 a vote of two-thirds of all the members elected to each house, as
2-35 provided by Section 39, Article III, Texas Constitution. If this
2-36 Act does not receive the vote necessary for immediate effect, this
2-37 Act takes effect September 1, 2023.

2-38 * * * * *

BILL ANALYSIS

Senate Research Center
88R22438 MPF-F

H.B. 4844
By: Herrero (Hinojosa)
Local Government
5/15/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Nueces County Hospital District must utilize a public bidding system to sell any property that it owns. This can lead to the property being on the market for extended periods of time if members of the local community are not interested in purchasing the property. This current process can be cumbersome as it requires hospital district staff to expend time learning and understanding the local real estate market and finding buyers who are willing to engage in the lengthy bid process.

What the Bill Accomplishes:

H.B. 4844 seeks to allow the Nueces County Hospital District to utilize a broker for the sale of real property, which would allow the property to be actively marketed to a wide array of potential buyers. This would give the hospital district two avenues to sell real property that it owns.

Dallas County Hospital District and El Paso County Hospital District are the only other hospital districts that have this authority. H.B. 4844 adds additional safeguards against self-dealing. Those parameters for the use of a broker to sell real property include:

- The district could not contract with a broker who is related within the third degree of consanguinity or affinity to a member of the board of hospital managers of the district or a public official who serves on the Nueces County Commissioners Court.
- The district could not sell a tract for less than the fair market value of the tract, as determined by an independent appraisal prepared by an appraiser and obtained by the district.
- The district could not obtain such an appraisal from an appraiser who is related within the third degree of consanguinity or affinity to a member of the board of hospital managers of the district or a public official who serves on the Nueces County Commissioners Court.
- The bill would prohibit the district from selling a property tract to a buyer who is related within the third degree of consanguinity or affinity to a member of the board of hospital managers of the district, a public official who serves on the Nueces County Commissioners Court, or the broker for the sale.

H.B. 4844 amends current law relating to the use of a broker for the sale of real property by the Nueces County Hospital District.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 281, Health and Safety Code, by adding Section 281.061, as follows:

Sec. 281.061. NUECES COUNTY HOSPITAL DISTRICT; BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) Defines "broker," "district," and "fair market value."

(b) Authorizes the Nueces County Hospital District (district), except as provided by Subsection (c), to contract with a broker to sell a tract of real property that is owned by the district.

(c) Prohibits the district from contracting with a broker who is related within the third degree of consanguinity or affinity, as determined under Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), Government Code, to a member of the board of hospital managers of the district (board) or to a public official who serves on the Nueces County Commissioners Court (commissioners court).

(d) Authorizes the district to pay a fee if a broker produces a ready, willing, and able buyer to purchase a tract of real property.

(e) Authorizes the district, if a contract made under Subsection (b) requires a broker to list the tract of real property for sale for at least 30 days with a multiple-listing service used by other brokers in the county in which the real property is located, on or after the 30th day after the date the property is listed, to sell the tract of real property to a ready, willing, and able buyer who is produced by any broker with whom the district is authorized to contract under Subsection (c) using the multiple-listing service and who submits the most advantageous offer.

(f) Requires the district to post a notice of intent to sell the real property in a newspaper of general circulation, not less than once, at least 30 days before the date the district accepts an offer produced by a broker.

(g) Authorizes the district to sell a tract of real property under this section without complying with the requirements of Section 272.001 (Notice of Sale or Exchange of Land by Political Subdivision; Exceptions), Local Government Code.

(h) Prohibits the district from selling a tract of real property under this section for less than the fair market value of the tract of real property, as determined by an independent appraisal prepared by an appraiser certified under Chapter 1103 (Real Estate Appraisers), Occupations Code, and obtained by the district in accordance with Subsection (j).

(i) Prohibits the district from selling a tract of real property under this section to a buyer who:

(1) is related within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to a member of the board, a public official who serves on the commissioners court, or the broker for the sale; or

(2) has a business or financial relationship with a member of the board or a public official who serves on the commissioners court that could reasonably be expected to materially and adversely affect the judgment of the member or public official.

(j) Prohibits the district from obtaining an appraisal under Subsection (h) from an appraiser who is related within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to a member of the board or to a public official who serves on the commissioners court.

SECTION 2. Effective date: upon passage or September 1, 2023.

88th Texas Legislative Session (Regular)

Monitoring the following Bills as of May 18, 2023 :

- House Bills:
 - HB 446 by Craddick, et al. - Relating to the terminology used in statute to refer to intellectual disability and certain references to abolished health and human services agencies. (Companion SB 332)
 - HB 492 by Craddick, et al. - Relating to the creation and operation of a mental health services district by the Midland County Hospital District of Midland County, Texas, and the Ector County Hospital District.
 - HB 1372 by Harris, et al. - Relating to the tort of public nuisance. (Companion SB 1034)
 - HB 1489 by Tepper, et al. - Relating to the issuance of certificates of obligation by local governments.
 - HB 3001 by Goldman - Relating to purposes for which certificates of obligation may be authorized.
 - HB 3002 by Goldman - Relating to the authority of certain political subdivisions to issue certificates of obligation.
 - HB 4172 by Price - Relating to the authority of the governing body of a hospital district to vote for candidates for director of the appraisal district in which the hospital district participates.

- Senate Bills:
 - SB 332 by Kolkhorst, et al. - Relating to the terminology used in statute to refer to intellectual disability and certain references to abolished health and human services agencies. (Companion HB 446)
 - SB 1034 by Middleton - Relating to the tort of public nuisance. (Companion HB 1372)
 - SB 2332 by Kolkhorst - Relating to the operations of hospital districts in counties with a population of at least 190,000 persons.
 - SB 2337 by Middleton - Relating to an election to approve the issuance of bonds or other debt.

CHRISTUS Health OxBlue Construction Time-Lapse Camera

OxBlue Login

URL: <https://app.oxblue.com/login>

USERNAME: jonny.hipp@nchdcc.org

PASSWORD: NCHD



\$45,000,000*
Nueces County Hospital District
Certificates of Obligation, Series 2023
(Nueces County, Texas)

Timetable of Events

April						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

- | <u>Date</u> | <u>Event</u> |
|---------------------------|--|
| Tuesday, April 11, 2023 | • Board of Managers approves a Financing Plan; Requests the County to consider the approval of a Notice of Intent Resolution for the issuance of the Obligations. |
| Wednesday, April 26, 2023 | • County Commissioners Court considers the approval of a Notice of Intent Resolution for the issuance of the Obligations. |
| Monday, May 1, 2023 | • First Publication of the Notice of Intent appears in the Caller-Times; Notice of Intent posted on County’s website and shall remain through June 21, 2023. |
| Monday, May 8, 2023 | • Second Publication of the Notice of Intent appears in the Caller-Times. |
| Tuesday, May 16, 2023 | • Send 1st Draft of Preliminary Official Statement (“POS”) to Bond Counsel; Request rating from S&P Global Ratings and submit municipal bond insurance applications. |
| Tuesday, May 23, 2023 | • 1 st draft of the POS comments due from Bond Counsel. |
| Thursday, May 25, 2023 | • Send 2 nd Draft of the POS to all parties. |
| Friday, June 2, 2023 | • 2 nd Draft of the POS comments due from all parties. |
| TBD | • Rating Agency Conference Call. |
| Monday, June 5, 2023 | • Rating due from S&P. |
| TBD | • Due Diligence Conference Call. |
| Tuesday, June 6, 2023 | • POS to distribution list and post on website. |
| Tuesday, June 20, 2023 | • Price the Obligations; Board of Managers approves the Sale of the Obligations at a Special-Called Meeting. |
| Wednesday, June 21, 2023 | • County Commissioners Court approves the Sale Ordinance at a Regular Meeting. |
| Monday, June 26, 2023 | • Send transcript to Texas Attorney General. |
| Thursday, July 13, 2023 | • Receive Texas Attorney General Preliminary Approval Letter. |
| Thursday, July 20, 2023 | • Closing. Delivery of the Obligations and Receipt of Proceeds. |

**Preliminary, subject to change.*



FEMA

April 18, 2023

W. Nim Kidd, MPA, CEM
Chief, Texas Division of Emergency Management
Vice Chancellor – The Texas A&M University System
2883 Highway 71 E.
P.O. Box 285
Del Valle, TX 78617-9998

Jonny Hipp, Administrator/Chief Executive Officer
Nueces County Hospital District
555 N. Carancahua, Suite 950
Corpus Christi, TX 78401-0835

ATTN: Paula Hanson, Chief Financial Officer, Recovery and Mitigation

RE: First Appeal – Nueces County Hospital District, PA ID: 355-UONZ4-00
FEMA-4485-DR-TX, Grants Manager Project Number 674808 / Project Worksheet 00676

Dear Chief Kidd and Mr. Hipp:

This letter is in response to a first appeal dated December 21, 2022, and transmitted by email on December 21, 2022, by the Texas Division of Emergency Management (TDEM / Recipient), on behalf of the Nueces County Hospital District (Applicant). By letter dated December 14, 2022, the Applicant is appealing the Federal Emergency Management Agency's (FEMA) October 18, 2022,¹ decision to deny costs associated with consulting, project management, data, analytics, and strategic planning documented in Grants Manager (GM) project number (PN) 674808.² The amount at issue in this appeal is \$503,127.

As explained in the enclosed analysis, FEMA determines the costs associated with consulting project management, data, analytics, and strategic planning are not considered eligible emergency protective measures and are ineligible for Public Assistance (PA) funding. Accordingly, this appeal is denied. This letter constitutes the Applicant's official notification of this determination.

The Applicant may appeal this determination to the Assistant Administrator, Recovery Directorate, at FEMA Headquarters pursuant to Title 44 of the Code of Federal Regulations

¹ According to Grants Manager, the Applicant viewed the determination memorandum (DM) on Oct. 20, 2022.

² Although project worksheet (PW) 00676 was created in FEMA Emergency Management Mission Integrated Environment (EMMIE) system, funding was not obligated / awarded to the Applicant. Therefore, the PW number is not referenced in this letter or the analysis that follows.

Chief Kidd and Mr. Hipp

April 18, 2023

Page 2

(C.F.R.) § 206.206, *Appeals*. If the Applicant elects to file a second appeal, the appeal must: 1) contain documented justification supporting the Applicant's position; 2) specify the monetary figure in dispute; and 3) cite the provisions in federal law, regulation, or policy with which the Applicant believes the initial determination was inconsistent. A second appeal must be submitted to the Recipient by the Applicant within 60 days of the Applicant's receipt of this determination. The Recipient is required to transmit the appeal, with its recommendation, to our office within 60 days of receipt of the Applicant's letter. Our office will transmit the second appeal to FEMA Headquarters.

Alternatively, this determination may be eligible for arbitration by the Civilian Board of Contract Appeals (CBCA) under the arbitration rights set forth in Section 423 of the Stafford Act, as amended by Section 1219 of the Disaster Recovery Reform Act (DRRA), which was signed into law on October 5, 2018. To determine eligibility for arbitration, please review FEMA's Arbitration Fact Sheet.³ The CBCA regulations at 48 C.F.R. § 6106.601 through § 6106.613 provide the CBCA's rules of procedure for FEMA Section 423 arbitrations. Filing and procedural rules are available on the CBCA's website at www.cbca.gov. An applicant must submit its request for arbitration simultaneously to the Recipient, the FEMA Regional Administrator, and the CBCA. If you have any questions regarding the DRRA arbitration process, please contact Don Simko, Public Assistance Branch Chief, at (202) 322-9591.

If you have any questions regarding this matter, please contact Traci Brasher, Recovery Division Director, at (202) 702-5183.

Sincerely,

GEORGE A
ROBINSON

Digitally signed by
GEORGE A ROBINSON
Date: 2023.04.18
18:04:31 -05'00'

George A. Robinson
Regional Administrator

Enclosures: First Appeal Analysis
Administrative Record Index

³ *Public Assistance Appeals & Arbitration under the Disaster Recovery Reform Act*, available at [fema_DRRA-1219-public-assistance-arbitration-right fact-sheet.pdf](https://www.fema.gov/public-assistance-arbitration-right-fact-sheet.pdf)

FIRST APPEAL ANALYSIS
Nueces County Hospital District, PA ID: 355-UONZ4-00
FEMA-4485-DR-TX, Grants Manager Project Number 674808 / Project Worksheet 00676
Emergency Protective Measures

Background

On March 25, 2020, the President declared a major disaster declaration for the State of Texas in response to the Coronavirus Disease 2019 (COVID-19) pandemic, FEMA-4485-DR-TX. During the incident period of January 20, 2020, and continuing, the Nueces County Hospital District (Applicant) requested Public Assistance (PA) for costs associated with Grants Manager (GM) project number (PN) 674808. The Applicant requested PA reimbursement for contract costs associated with consulting, project management, data, analytics, and strategic planning. The amount at issue in this appeal is \$503,127.

FEMA issued a determination memorandum (DM) dated October 18, 2022, denying costs of \$503,127 associated with consulting, project management, data, analytics, and strategic planning.¹ Specifically, FEMA determined the Applicant did not demonstrate the services were specifically related to eligible emergency work to eliminate or lessen an immediate threat to lives, public health, and safety. FEMA considered the described costs and work were ineligible and were not considered eligible emergency protective measures under statutory and regulatory authorities and policy.

First Appeal

The Applicant submitted its first appeal through the Texas Division of Emergency Management (TDEM / Recipient) in a letter dated December 14, 2022.² In its appeal, the Applicant is requesting FEMA reconsider the denial of costs associated with consulting, project management, data, analytics, and strategic planning for vaccine administration. The Applicant explains the contract costs are associated with the development of COVID-19 vaccination administration tools. The Applicant contends the costs are related to an operational health analytics platform and the compilation of a COVID-19 social determinants of health report which are in fact specifically related to eligible emergency work to eliminate or lessen the immediate threat to lives, public health, and safety. Additionally, the Applicant states the work was enacted at the request of the Nueces County's Office of Emergency Management (NCOEM) Director and provided jurisdictional information necessary for the identification of vulnerable populations and establishment of COVID-19 vaccination site locations in an equitable manner. The Applicant explains it is responsible for the preventive care, medical, hospital, and emergency care to the indigent and vulnerable constituents of Nueces County. Finally, the Applicant indicates the scope of work for this project is eligible under FEMA Policy 104-21-0004, *Coronavirus (COVID-19) Pandemic: Medical Care Eligible for Public Assistance (Interim) (Version 2)* Section (3) (k) vaccination administration consistent with equitable pandemic response and recovery.

¹ FEMA issued originally a determination memorandum (DM) dated September 7, 2022, denying reimbursement for contract costs associated with project number (PN) 674808. The original DM was overturned to update verbiage.

² Letter from Administrator/Chief Executive Officer, Nueces County Hospital District, Applicant, to Chief, Texas Division of Emergency Management (TDEM / Recipient) (Dec. 14, 2022) [hereinafter *Applicant Appeal*].

The Recipient transmitted the Applicant's appeal to FEMA by letter December 21, 2022, supporting the Applicant's right to appeal.³

Discussion

Emergency Protective Measures

Pursuant to § 403 and § 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), FEMA may provide assistance essential to meeting immediate threats to life and property resulting from a major disaster.⁴ Emergency protective measures to save lives, protect public health and safety, and protect improved property are eligible.⁵ To be eligible, emergency protective measures must eliminate or lessen immediate threats to lives, public health, or safety. Emergency work is that which must be done immediately to save lives; protect public health and safety; protect improved property; or eliminate or lessen an immediate threat of additional damage.⁶

FEMA is authorized to provide PA funding for certain emergency work including emergency protective measures to eliminate or reduce immediate threats to lives, public health or safety.⁷ Pursuant to FEMA Policy FP 104-21-0003, *Coronavirus (COVID-19) Pandemic: Safe Opening and Operation Work Eligible for Public Assistance (Interim) (Version 2)*, dated September 8, 2021, FEMA may provide assistance for emergency protective measures taken to manage, control, and reduce immediate threats to public health and safety as a result of the COVID-19 pandemic.⁸

FEMA also issued FEMA Policy FP 104-21-0004, *Coronavirus (COVID-19) Pandemic: Medical Care Costs Eligible for Public Assistance (Interim) (Version 2)* which states work and associated costs to support the distribution and administration of COVID-19 vaccines may be eligible for PA. Additional costs to support the distribution and administration of the vaccines may be eligible under PA when consistent with established vaccine protocols, CDC and / or other applicable public health guidance, and PA program requirements. As provided therein, eligible work and costs in this category include vaccination facilities, additional staff, personal protective equipment (PPE), communications to disseminate public information regarding vaccinations, other equipment, and supplies for storing, handling, distributing / transporting, and administering

³ Letter from Unit Chief, TDEM, Recipient, to FEMA Region 6 Regional Administrator (dated Dec. 21, 2022, and transmitted by email on Dec. 21, 2022). The Recipient states in its letter to FEMA that it “*supports the [Applicant’s] right to appeal and requests FEMA’s review*”, however this does not satisfy the recommendation requirement set forth in Title 44 of the Code of Federal Regulations (C.F.R.) § 206.206 (c) (2) (2019).

⁴ The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) of 1988, Public Law No. 93-288 as amended, § 403, Title 42 of the United States Code (42 U.S.C.) §§ 5170b Essential Assistance, and § 502, 42 U.S.C. §§ 5121-5207 Disaster Relief (2019).

⁵ 44 C.F.R. § 206.225 (a) (1) and (3).

⁶ *Public Assistance Program and Policy Guide*, FP 104-009-2 at 42-43 (Apr. 2018) [hereinafter *PAPPG*].

⁷ Stafford Act § 5170(b) and 44 C.F.R. § 206.225 (a) (1) and (3).

⁸ FEMA Policy FP 104-21-0003, *Coronavirus (COVID-19) Pandemic: Safe Opening and Operation Work Eligible for Public Assistance (Interim) (Version 2)* (Sept. 8, 2021).

COVID-19 vaccinations, such as: equipment, including coolers, freezers, temperature monitoring devices, and portable vaccine storage units for transportation.⁹

Generally, increased operating costs to operate a facility or provide a service are not eligible, even when directly related to the incident.¹⁰ Short-term increased operating costs that are directly related to accomplishing specific emergency health and safety tasks as part of emergency protective measures may be eligible.¹¹ These additional costs are only eligible if the services are specifically related to eligible emergency actions to save lives or protect public health and safety or improved property; the costs are for a limited period of time based on the exigency of the circumstances, and the applicant tracks and documents the additional costs.¹²

Here, the Applicant argues the costs associated with consulting, project management, data, analytics, and strategic planning for vaccine administration are related to eligible emergency work to eliminate or lessen the immediate threat to lives, public health, and safety. The Applicant explains it is responsible for the preventive care, medical, hospital, and emergency care to the indigent and vulnerable constituents of Nueces County. The Applicant has contract agreements with two organizations, Texas Health Institute (THI) and Accenture, LLP. The contract between the Applicant and THI is in the amount \$118,127 and the contract between the Applicant and Accenture, LLP is in the amount \$385,000. The contract between the Applicant and THI states that THI provides health equity project management and subject matter expertise. It also states that the Applicant will be contracting separately with Accenture, LLP to develop an online dashboard and provide data specifically to assist in determining Nueces County social determinants of health and COVID-19 impacts.

FEMA is authorized to provide PA funding for certain emergency work including emergency protective measures to eliminate or reduce immediate threats to lives, public health, or safety.¹³ FEMA Policy FP 104-21-0003 and *Version 2* of FEMA Policy FP 104-010-04 provide examples of work eligible for PA reimbursement. Emergency protective measures is emergency work which must be done immediately to save lives, protect public health and safety, and protect improved property or eliminate or lessen an immediate threat of additional damage.¹⁴ The contract costs associated with consulting, project management, data, analytics, and strategic planning in this case, are not an emergency action necessary to save lives and protect public health and safety. While adhering to the equitable delivery of assistance is necessary, the contract costs do not rise to the level of an emergency action that saves lives or protects public health and safety. This is because the underlying work conducted is not directly related to accomplishing specific short-term emergency health and safety tasks necessary to perform emergency protective measures, but instead administrative work normally performed by the Applicant inherent to its responsibility to the indigent and vulnerable constituents of Nueces County and not an immediate threat to lives, public health, and safety. Since this is not an eligible emergency protective measure, the claimed contract cost for consulting, project

⁹ FEMA Policy FP 104-21-0004, *Coronavirus (COVID-19) Pandemic: Medical Care Eligible for Public Assistance (Interim) (Version 2)* at 6 (Mar. 15, 2021) [hereinafter *FP 104-21-0004 Version 2*].

¹⁰ *PAPPG*, at 42.

¹¹ *Id.*

¹² *Id.*, at 60-61.

¹³ Stafford Act § 5170 (b) and 44 C.F.R. § 206.225 (a) (1) and (3).

¹⁴ *PAPPG*, at 42-43.

management, data, analytics, and strategic planning in the amount of \$503,127 represent an increased operating cost and are ineligible for PA funding.

Conclusion

Based on the information provided, FEMA determines the contract costs associated with consulting, project management, data, analytics, and strategic planning are not considered eligible emergency protective measures and are ineligible for FEMA PA funding reimbursement. Accordingly, this appeal is denied.

ADMINISTRATIVE RECORD INDEX

Nueces County Hospital District, PA ID: 355-UONZ4-00

FEMA-4485-DR-TX, Grants Manager Project Number 674808 / Project Worksheet 00676

No.	Document Description	Date	Pg(s)	From:	To:
1.0	Recipient First Appeal Transmittal Letter	12/21/22	2	Recipient	FEMA
2.0	Applicant First Appeal including attachments	12/14/22	2810	Applicant	Recipient
3.0	FEMA's determination letter and memorandum plus attachments	10/18/22	10	FEMA	Recipient
4.0	Project number 674808 and all associated documentation as contained in FEMA's Grants Manager System	-	-	-	-

Public Assistance Appeals Fact Sheet

Public Assistance Appeals



Figure 1. Appeals Process

Most Public Assistance (PA) projects are free of eligibility disputes or, if eligibility issues arise, they are quickly resolved. When FEMA denies an application for or the provision of PA assistance, applicants are provided a two-tiered administrative appeal process. The Regional Administrator (RA) of the applicable FEMA Region decides the first level appeal. If the applicant chooses to appeal that decision, the applicant may submit a second appeal to the Assistant Administrator for Recovery at FEMA Headquarters.¹ Title 44 Code of Federal Regulations (C.F.R.) § 206.206, which implements Stafford Act Section 423, describes these processes.

Talk It Out

In some cases, eligibility issues may arise from a lack of mutual understanding. Clear, open lines of communication can often resolve misconceptions and provide a path forward. When such discussions reach an impasse, PA staff may offer the opportunity to participate in a facilitated discussion led by a FEMA dispute resolution specialist. These types of informal discussions, led by a trained facilitator, can provide participants with different perspectives, clarity, and possible avenues for resolution. Take advantage of them when offered.

PA Eligibility Determinations

When FEMA denies assistance, it will provide written notice, often in the form of a Determination Memorandum (DM), which sets forth an applicant's appeal rights and explains the basis for the denial. For many disasters, and all disasters declared after January 1, 2022, FEMA will electronically transmit eligibility determinations through its web-based system, Grants Manager/Grants Portal (GM).

Appeal Submission Deadlines

For disasters declared prior to January 1, 2022, an applicant must submit its appeal to the recipient (e.g., State or Tribe) within 60 days of receiving notice of FEMA's determination (eligibility determination or first appeal decision).

¹ In certain instances, an applicant may request arbitration in lieu of a second appeal. See FEMA Policy #104-22-0001, *Public Assistance Appeals and Arbitration*, February 24, 2022 (<https://www.fema.gov/sites/default/files/documents/fema-public-assistance-appeals-arbitration-policy.pdf>).



FEMA

The recipient has 60 days from the date it receives the appeal to review and forward it, along with a written recommendation, to the appropriate FEMA RA.

For disasters declared after January 1, 2022, an applicant must submit its appeal through GM within 60 days from the date FEMA electronically transmits its determination or first appeal decision. The recipient has 120 days from the determination or first appeal decision transmission date to submit the applicant's appeal through GM to FEMA. FEMA will not accept hard copy submissions for appeals related to disasters declared after January 1, 2022.

If either the applicant or recipient does not meet the respective appeal submission deadlines, FEMA will deny the appeal as untimely.

- Know your deadline
 - Prior to January 1, 2022: an applicant has 60 calendar days from the date it receives notice of a determination or first appeal decision to submit an appeal.
 - Disasters declared after January 1, 2022: An applicant has 60 calendar days from the date FEMA electronically transmits its determination or first appeal decision to submit an appeal.

Appeal Content

Appeals must be made in writing, contain documented justification supporting the applicant's position, specify the amount in dispute (as applicable), and cite relevant statutes, regulations, or policies with which the applicant believes FEMA's determination was inconsistent.

Appeal Review and Response

Once received, FEMA reviews the appeal content, the information in the record, and applicable laws, regulations, and policies to determine the outcome of the appeal. Within 90 days, FEMA will request additional information, submit the appeal to an expert for technical review, or make its appeal decision. The appeal response will explain the decision and in the case of first appeal decisions, provide notification of further appeal or arbitration rights.

Applicants and recipients can check the status of second appeals on the FEMA PA Second Appeals Tracker (see Resource Links below). All second level appeal decisions are posted in the PA Appeals Database (see Resource Links below) so that applicants can review previous decisions FEMA has made on similar issues.

Final Agency Decision

All second appeal decisions, or eligibility determinations or first appeal decisions in cases when an applicant does not submit a timely first or second appeal request, represent the agency's final administrative decision.²

² Alternatively, a decision of the majority of the Civilian Board of Contract Appeals (CBCA) panel constitutes a final decision.

Resource Links

- Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended: <https://www.fema.gov/disaster/stafford-act>
- Title 44 Code of Federal Regulations (use the version of CFR from the year of disaster declaration): <https://www.ecfr.gov/current/title-44/chapter-I/subchapter-D/part-206?toc=1>
- Public Assistance Appeals and Audits: <https://www.fema.gov/assistance/public/tools-resources-statistics>
- Public Assistance Policy & Guidance: <https://www.fema.gov/assistance/public/policy-guidance-fact-sheets>
- Public Assistance Appeals Database (Searchable database): <https://www.fema.gov/assistance/public/appeals>
- FEMA Public Assistance Second Appeals Tracker (Check status of second appeals at HQ): <https://www.fema.gov/about/openfema/data-sets#public8>
- FEMA HQ Public Assistance Appeals email address: FEMA-Recovery-PA-Appeals@fema.dhs.gov
- FEMA PA Grants Portal – Grants Manager Channel: [Grants Portal - Appeals - YouTube](#)

Public Assistance Arbitration Fact Sheet

Background

Section 423 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) provides a right of arbitration for Public Assistance (PA) applicants who dispute a FEMA determination related to eligibility for assistance or repayment of assistance.¹ The U.S. Civilian Board of Contract Appeals (CBCA) acts for the U.S. Government to arbitrate disputes between applicants and FEMA.

ARBITRATION PROCESS

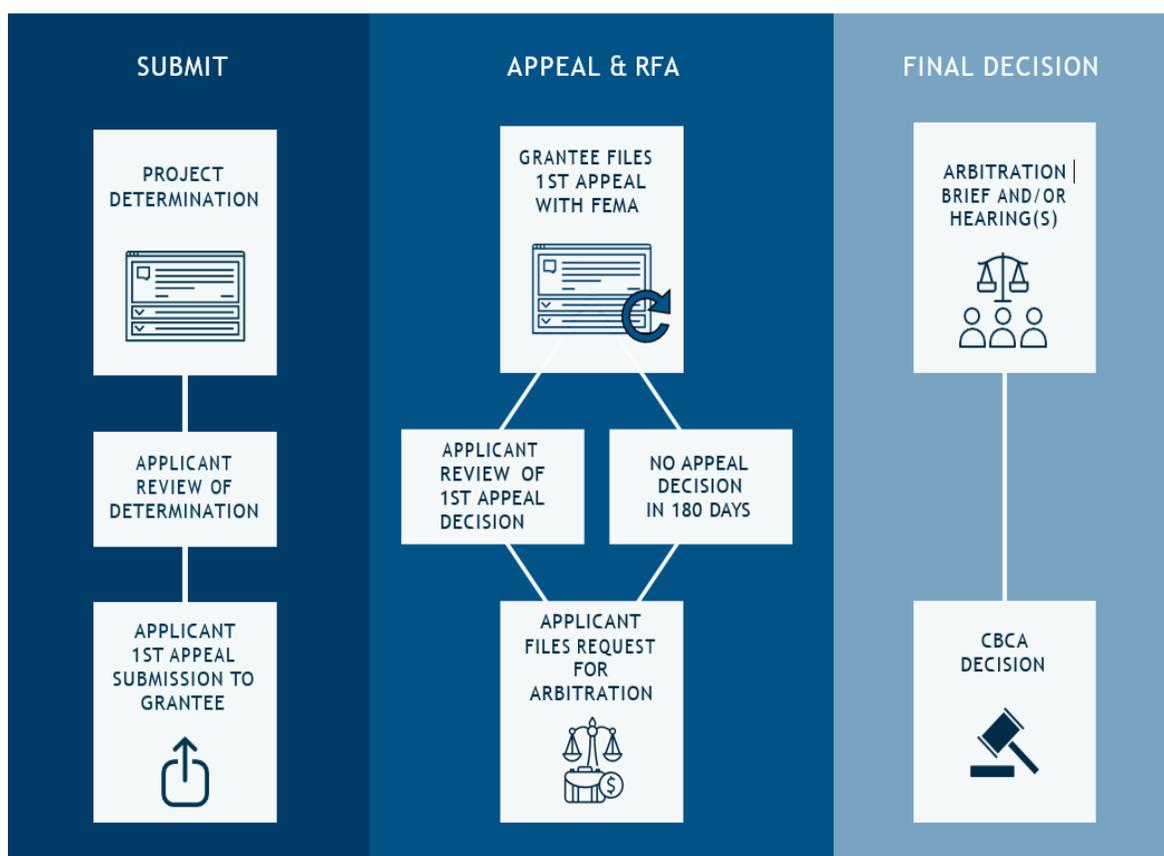


Fig. 1, Arbitration Process

Eligibility for Arbitration

To be eligible for arbitration, a PA applicant’s request must meet all three of the following conditions:

1. The dispute arises from a disaster declared after January 1, 2016; and
2. The disputed amount exceeds \$500,000 (or \$100,000 if the applicant is in a “rural area,” defined as having a population of less than 200,000 living outside an urbanized area); and

¹ See 44 C.F.R. § 206.206 and FEMA Policy #104-22-0001, *Public Assistance Appeals and Arbitration*, February 24, 2022 (<https://www.fema.gov/sites/default/files/documents/fema-public-assistance-appeals-arbitration-policy.pdf>).

3. The applicant filed a first-level appeal with FEMA within the timeframes established in 44 C.F.R. § 206.206 and FEMA denied the first appeal, or has not provided a first appeal decision within 180 calendar days of receiving the first appeal submission.

Request for Arbitration (RFA) Deadlines

If a PA applicant wishes to arbitrate a dispute, it must file a Request for Arbitration (RFA) within 60 calendar days from the date of the Regional Administrator's first appeal decision. Alternatively, if FEMA does not issue a first-level appeal decision within 180 calendar days of the first appeal's receipt, the applicant may withdraw the first-level appeal and file the RFA within 30 calendar days of withdrawal.

Arbitration Process

The CBCA is the forum in which PA arbitrations are conducted. CBCA regulations at [48 C.F.R. §§ 6106.601 – 6106.613](#) detail the CBCA arbitration process. Applicants must follow these procedures, which include emailing the RFA simultaneously to:

- the CBCA at cbca.efile@cbca.gov;
- the Recipient; and
- the applicable FEMA Regional Administrator.

The request must include:

- a written statement specifying the amount in dispute;
- all documentation supporting the position of the applicant;
- the disaster number; and
- the name and address of the applicant's authorized representative or counsel.

Arbitration and Second Appeals

If the applicant does request an appeal or arbitration within the regulatory timeframes, the applicant no longer has a right to appeal or arbitrate. If an Applicant submits a request for arbitration, it may not submit a second appeal for the same matter. Similarly, if an Applicant submits a second appeal, it may not withdraw the second appeal to request arbitration instead.

Costs

The CBCA arbitrates at no cost to the parties. Other expenses, including attorney's fees, representative fees, copying costs, costs associated with attending any hearing, or any other fees not listed in this paragraph will be paid by each party incurring such costs.

Finality of Decision

A majority decision from the CBCA panel serves as a final decision and is binding on all parties. Final decisions are not subject to further administrative review.

Questions

Questions concerning Public Assistance arbitration should be emailed to FEMA-Recovery-PA-Arbitration@fema.dhs.gov.

Resource Links

- Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended:
<https://www.fema.gov/disaster/stafford-act>

- Title 44 Code of Federal Regulations (for appeals regulations, use the version of CFR from the year of disaster declaration): <https://www.ecfr.gov/current/title-44/chapter-I/subchapter-D/part-206?toc=1>
- Title 48 Code of Federal Regulations §§ 6106.601-6106.613: <https://www.ecfr.gov/current/title-48/chapter-61/part-6106>
- Civilian Board of Contract Appeals (CBCA) website: www.cbca.gov
- Civilian Board of Contract Appeals (CBCA) FEMA Arbitration Decisions: <https://www.cbca.gov/decisions/fema.html>
- Public Assistance Policy & Guidance: <https://www.fema.gov/assistance/public/policy-guidance-fact-sheets>
- FEMA HQ Public Assistance Arbitration email address: FEMA-Recovery-PA-Arbitration@fema.dhs.gov

Last updated June 2022



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MAY 11 2023

NCHD-ADMINISTRATION

May 4, 2023

Chairperson

Comm. Theresa Daniel
Dallas County

Chairperson-Elect

Judge Eddie Treviño Jr.
Cameron County

Immediate Past Chair

Judge Matt Sebesta
Brazoria County

Vice-Chairpersons

Judge David Blackburn
Bell County

Comm. Justin Rodriguez
Bexar County

Comm. Bo Alfred
Jefferson County

Comm. Andy Meyers
Fort Bend County

Comm. David Stout
El Paso County

Comm. Gary Fickes
Tarrant County

Directors

Comm. Margaret Gomez
Travis County

Comm. Scott Ramsey
Midland County

Executive Director

John B. Dahill

Policy Director

Adam P. Haynes

Member Counties

- Bell · Bexar
- Brazoria · Brazos
- Cameron · Chambers
- Collin · Comal
- Dallas · Denton
- El Paso · Fort Bend
- Galveston · Grayson
- Harris · Hays
- Hidalgo · Jefferson
- Johnson · Kaufman
- Lubbock · McLennan
- Midland · Nueces
- Potter · Randall
- Rockwall · San Patricio
- Smith · Tarrant
- Travis · Webb
- Williamson · Wise

500 West 13th Street
Austin, TX 78701

512.476.6174

To: Nueces County Hospital District
Jonny F. Hipp
Administrator/CEO
555 N. Carancahua Street
Corpus Christi, TX 78401

From: John B. Dahill, Executive Director

Re: **Tobacco Settlement Permanent Trust Account –
Invitation to Nominate**

The 76th Texas Legislature created the Tobacco Settlement Permanent Trust Account as a cooperative project between the Texas Department of Health (now Department of State Health Services) and the State Comptroller of Public Accounts to provide county hospitals, hospital districts, and public hospitals payments from the Tobacco Settlement Permanent Trust Account.

The Texas Conference of Urban Counties is mandated by statute to appoint four of the 11 members to the Tobacco Settlement Permanent Trust Account's Investment Advisory Committee and four of the 11 members to the Account's Administrative Advisory Committee. Eligible to nominate candidates to the Administration Committee and the Investment Committee are the 10 entities that received the 3rd through 12th greatest distribution amounts from the Tobacco Settlement Trust in 2022. Nueces County Hospital District is one of these entities.

Nueces County Hospital District is invited to nominate a candidate for appointment to the Administration Committee and a candidate for appointment to the Investment Committee. The pending appointments are to fill terms that begin September 1, 2023, and expire on August 31, 2029.

These are important committees. These committees work in concert to provide oversight and adopt rules regarding annual distributions from the earnings of the Tobacco Settlement Permanent Trust Account.

The Administration Committee provides advice to the Department of State Health Services (DSHS) and the Executive Commissioner of the Texas Health and Human Services Commission (HHSC) regarding any proposed amendments to rules governing the annual distribution of

tobacco settlement proceeds to political subdivisions. The Committee is also charged with reviewing the results of audited expenditure statements annually.

The Investment Committee is responsible for overseeing the investment and management by the Texas Comptroller of over \$3 billion in tobacco settlement funds held in trust for Texas counties, hospital districts, and public hospitals. For Texas counties to receive distributions, the Committee must meet and conduct certain business each year.

The Urban Counties has three criteria of paramount importance when reviewing nominees for these appointments:

1. An absolute commitment to attend committee meetings.
2. The nominee to the *Administration Committee* should have experience with the operations and finances of public hospitals, hospital districts, and counties regarding healthcare expenditures.
3. The Investment Committee nominee should have institutional investing experience.

The following materials are requested to support a nomination:

1. the nominee's resume,
2. contact information, and
3. a copy of the nominating resolution or other documentation of the nomination by your entity's governing body.

Please send these materials to us by **5 p.m. on Friday, June 9, 2023**, via mail to our office, or email to Windy Johnson, Windy@cuc.org. Appointments will be made in June 2023.

Thank you for your assistance and participation in this process. Please feel free to contact me if I can provide any additional assistance on this or any matter. I can be reached at 512.476.6174 or via email at john@cuc.org.

**Frequently Asked Questions on the
Tobacco Settlement Permanent Trust Account Investment Advisory Committee
2023**

What is the Tobacco Settlement Permanent Trust Account Investment Advisory Committee?

The Tobacco Settlement Permanent Trust Account Investment Advisory Committee is a committee created by Section 403.1042, Government Code of Texas, to advise the Texas Comptroller of Public Accounts on the investment and management of the Tobacco Settlement Permanent Trust Account. The trust account is composed of funds from tobacco companies paid to Texas counties under 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.

The Tobacco Settlement Permanent Trust Account Investment Advisory Committee oversees the investment and management of county tobacco settlement funds held in trust by the State of Texas. The funds come from the State's lawsuit against the tobacco industry. Under the terms of the settlement agreement, some funds were put aside for Texas Counties, Hospital Districts, and Public Hospitals. Those funds are invested, and the earnings are distributed each year to eligible recipient entities. The advisory committee adopts the investment policies, oversees fund management, and determines the amount to be distributed.

What is the average market value of the trust account?

The total original payments from the tobacco company defendants is \$ 1,682,964,904. As of December 31, 2022, the fund and the fund's investments had grown to a market value of \$ 3,197,662,334.

Who gets a part of the annual distribution of fund earnings?

The following entities are eligible for part of the annual distribution of earnings from the Tobacco Settlement Permanent Trust Account: Hospital Districts, Counties and Public Hospitals. All of these entities have indigent healthcare responsibility under Chapter 61 of the Texas Health and Safety Code.

How much money has been distributed to eligible entities from the account?

The following amounts were distributed to all eligible entities from the tobacco settlement permanent trust account: UPDATE

Year	Total Distribution
2000	\$97,497,432
2001	\$62,142,677
2002	\$17,323,902
2003	\$21,408,287

2004	\$27,562,703
2005	\$49,157,117
2006	\$72,037,073
2007	\$82,655,045
2008	\$92,217,683
2009	\$92,232,194
2010	\$46,100,443
2011	\$50,940,681
2012	\$49,938,564
2013	\$49,952,670
2014	\$49,951,442
2015	\$54,973,919
2016	\$46,739,033
2017	\$67,125,435
2018	\$69,659,866
2019	\$71,892,040
2020	\$73,810,883
2021	\$75,593,310
2022	\$80,766,747
2023	\$85,150,116

Does the Advisory Committee determine how much a county or hospital district will get?

No. The advisory committee only determines the gross amount of earnings from the prior year to be distributed. The percentage of that amount that goes to a particular entity is based upon each entities' percentage of total unreimbursed healthcare expenditures in the previous calendar year, as calculated by the Texas Department of Health Services based on reports filed by all entities by March 30th of each year.

Do committee members need to file a Personal Financial Statement?

No.

How is the committee appointed?

The law provides for the committee to be appointed as follows:

- 2 guaranteed slots for the two largest recipients of tobacco settlement distributions, (Currently Harris County Hospital District & Dallas County Hospital District).
- 4 slots appointed by the Texas Conference of Urban Counties with nominations coming from the next 10 largest recipients after the first two.
- 4 slots appointed by the County Judges and Commissioners Association of Texas; and
- 1 slot appointed by the Comptroller to represent hospitals and cities not otherwise represented.

**Frequently Asked Questions on the
Tobacco Settlement Permanent Trust Account Administration Advisory Committee
2023**

What is the Tobacco Settlement Permanent Trust Account Administration Advisory Committee? The Tobacco Settlement Permanent Trust Account Administration Advisory Committee is a committee established by Section 12.131-12.139, Health and Safety Code of Texas, to provide advice to the Department of State Health Services (DSHS) and the Executive Commissioner of the Texas Health and Human Services Commission (HHSC) regarding any proposed amendments to rules governing the annual distribution of tobacco settlement proceeds to political subdivisions. The Committee is also charged with reviewing the results of audited expenditure statements annually.

Who administers the annual distribution of funds? DSHS administers the annual distribution of tobacco settlement permanent trust account funds pursuant to the settlement agreement, the Health and Safety Code, and DSHS rules.

Does the Advisory Committee determine how much a county or hospital district will get? No.

How is the committee appointed? The law provides for the committee to be appointed as follows:

- one member appointed by the executive commissioner to represent a public hospital or hospital district located in a county with a population of 50,000 or less or a public hospital owned or maintained by a municipality;
- one member appointed by the political subdivision that, in the year preceding the appointment; received the largest annual distribution paid from the account;
- one member appointed by the political subdivision that, in the year preceding the appointment; received the second largest annual distribution paid from the account;
- four members appointed by the Texas Conference of Urban Counties from nominations received from political subdivisions that in the year preceding appointment received the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, or 12th;
- one member appointed by the County Judges and Commissioners Association of Texas;
- one member appointed by the North and East Texas County Judges and Commissioners Association;
- one member appointed by the South Texas County Judges and Commissioners Association; and
- one member appointed by the West Texas County Judges and Commissioners Association.

What is the term of office for committee members?

Committee members are appointed to six-year terms. The term for the members being appointed by the Urban Counties in 2023 ends on August 31, 2029.

Where does the advisory committee meet?

The committee has almost always met in Austin at the offices of the Texas Treasury Safekeeping Trust Company (TTSTC). The TTSTC is the arm of the State Comptroller's office that manages the account.

How often does the Advisory Committee meet?

The County Tobacco Settlement Permanent Trust Account Investment Advisory Board generally meets twice a year. The first meeting is in March to approve the amount of earnings from the previous calendar year to distribute to recipient entities. The committee also meets in the Fall to monitor fund performance. Sometimes, the committee will meet a third time in the year, if necessary.

What exactly does this Advisory Committee do?

The TSPTAIAC represents the interests of counties, hospital districts, and public hospitals in the management of the tobacco settlement trust fund. Day-to-day management of the trust fund is vested with the State Comptroller. The Advisory Committee adopts investment policies, reviews investing activities and performance, and writes the rules adopted by the Comptroller governing the amount distributed each year. Those rules can only be adopted or amended if the Advisory Committee acts. Finally, the board must meet and act each year for entities to get their distribution of account earnings.

Are Advisory Committee members reimbursed for their travel expenses to attend committee meetings?

No – not by the State nor by the Urban Counties. Committee members are responsible for their own travel expenses. Some committee members that are officeholders or employees of recipient entities have their travel expenses paid for by the county where they hold office or the entity that employs them.

Who is eligible for appointment to the Tobacco Settlement Investment Advisory Committee?

There is no limitation. Nominees do not have to be county employees or county officials.

What is the term of office for committee members? Committee members are appointed to staggered six-year terms. The term for the member being appointed by the Urban Counties in 2023 ends on August 31, 2029.

Where does the advisory committee meet? The meetings are held in Austin.

How often does the Advisory Committee meet? The Committee generally meets annually.

Are Advisory Committee members reimbursed for their expenses to attend committee meetings? No – not by the State nor by the Urban Counties. Committee members are responsible for their own expenses for transportation, lodging, meals, parking, and other incidentals. Some committee members that are officeholders or employees of recipient entities have their travel expenses paid for by the county where they hold office or the entity that employs them.

Who is eligible for appointment to the Tobacco Settlement Advisory Committee? There is no limitation. Nominees do not have to be county employees or county officials.

Do committee members need to file a Personal Financial Statement? No.



TEXAS OPIOID SETTLEMENTS OVERVIEW ALLERGAN FINANCE LLC & ALLERGAN LTD

SETTLEMENT HIGHLIGHTS

- \$120,629,368.53 over 7 years as a Texas Statewide Opioid Settlement Agreement (SOSA)
- Plus Fees and Costs paid by Allergan (\$13,608,270.22)
- Same SOSA amount as the Global
- Allergan Pays entire settlement *directly* into the Texas MDL Qualified Settlement Fund
- Provides for a Texas Release and Texas Jurisdiction with no federal enforcement or oversight
- Interest stays with the money instead of being used to pay a Global Administrator's costs and expenses

ALLERGAN ABATEMENT FUNDS
(ESTIMATED)

ALLERGAN ABATEMENT FUND

\$84,440,557.97

15%: **\$12,666,083.69**

TX OPIOID SETTLEMENTS ACHIEVED
THROUGH DALLAS AND BEXAR COUNTY TRIAL SETTINGS

DEFENDANT	AMOUNT
Janssen	\$296,841,002.36
Endo	\$63,000,000
Teva	\$225,000,000
Big 3 Distributors	\$1,271,427,627.66
Allergan	\$134,237,638.75
Total to Date	\$1,990,506,268.77

STATEWIDE OPIOID SETTLEMENT INITIATIVE

Texas currently expects to receive an estimated \$1.6 billion* over 18 years from settlement agreements with, and court judgments against, companies related to their role in the opioid crisis.

The Texas Opioid Abatement Fund Council, administered by the Texas Comptroller of Public Accounts, was created by the 87th Legislature to ensure the money is fairly distributed using efficient, cost-effective methods.

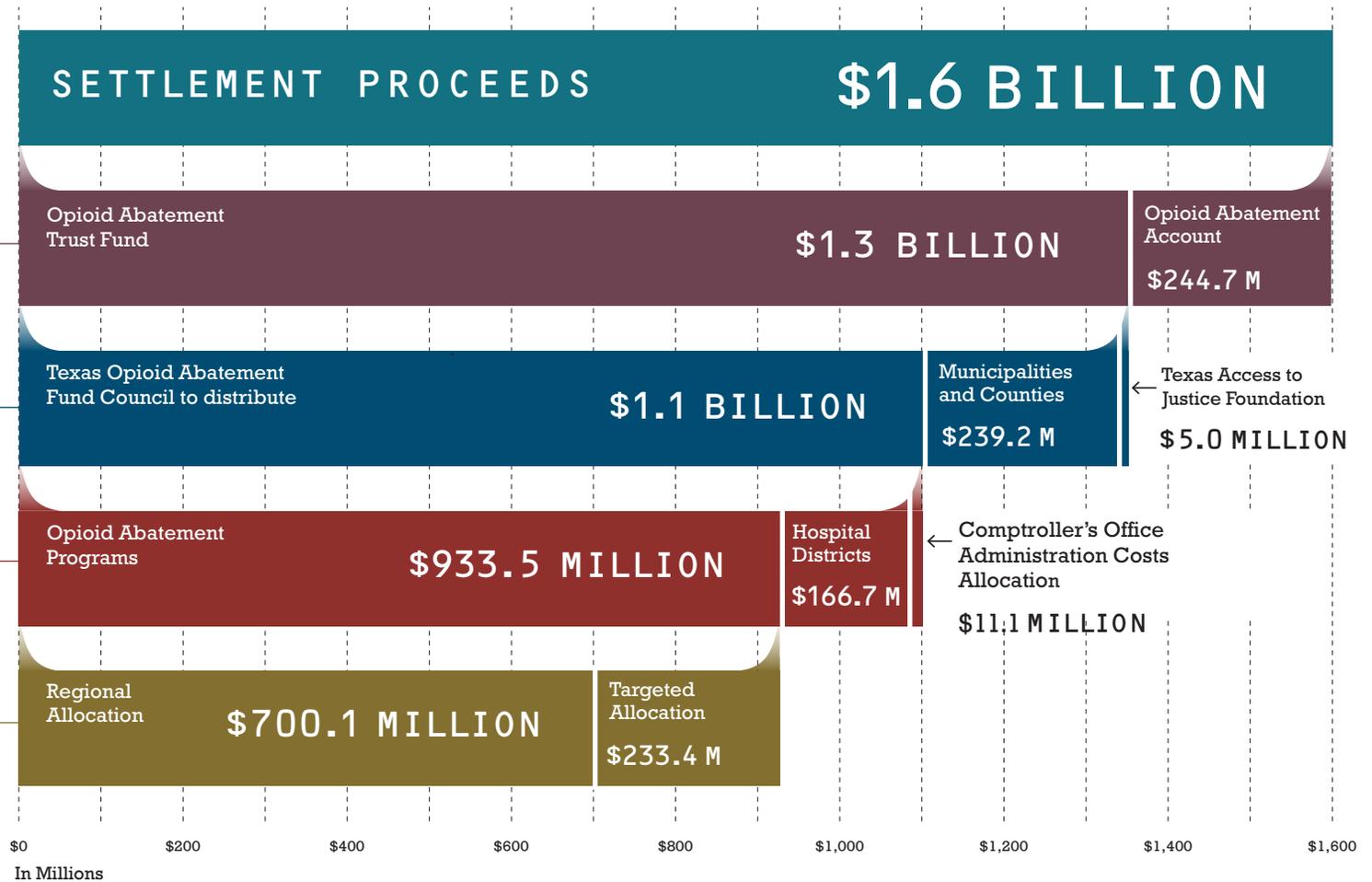
- Part of the money goes to the Opioid Abatement Account, a [General Revenue-dedicated account](#) that will fund programs by legislative appropriation.

- Most of the money goes to the [Opioid Abatement Trust Fund](#) held by the Texas Treasury Safekeeping Trust Company. Of this money:

- Portions are directly allocated to the Texas Access to Justice Foundation and to municipalities and counties.

- Part is provided for hospital districts, while a small percentage is allowed for administration.

- The remainder is distributed by the council, with 75% divided among the Texas Health and Human Services regional healthcare partnership areas and 25% to select programs.



*Includes only funds designated for the Opioid Abatement Trust Fund and Opioid Abatement Account in accordance with statute. The funds will come in at different times as described in the individual settlement agreements. The amount may vary based on future settlements and changes to settlement agreements.

Note: Totals may not sum because of rounding.

Placeholder.

This Contract is either under legal review, or it has been distributed to the other party for review and/or signature. It is expected to be completed prior to the Board of Managers meeting and will be distributed to the Board members then.

Placeholder.

This Contract is either under legal review, or it has been distributed to the other party for review and/or signature. It is expected to be completed prior to the Board of Managers meeting and will be distributed to the Board members then.



Investment Advisory Agreement

Meeder Public Funds

This Investment Advisory Agreement ("Agreement") is effective as of the date executed by and between Meeder Public Funds, Inc. ("Meeder"), its applicable affiliates, and the undersigned account owner ("Client").

1. Investment Management Services. Under this Agreement, Meeder provides non-discretionary investment management services for public entity clients in accordance with the terms of the applicable state (Texas Public Funds Investment Act, Chapter 2256) investment code and investment policy.

2. Appointment. Client appoints Meeder as non-discretionary investment adviser for the assets deposited in any account subject to the terms of this Agreement ("Account"). Meeder accepts the appointment as investment adviser and shall provide investment advice to Client and invest, reinvest and manage the securities, cash and other assets of the Account upon written direction by Client and in accordance with the written investment objectives and any specific investment restrictions or limitations of the Client. Meeder shall provide advice only with respect to assets in the Account and shall have no responsibility for the actions or non-actions of predecessor investment advisors or for the management of assets other than the assets allocated to the Account.

3. Trading Authorization. Decisions concerning investments in the Account shall be made by Client with the assistance of Meeder. When expressly instructed in writing by Client, Meeder shall have authority as agent and attorney-in-fact to direct the purchase, sale, exchange, conversion, delivery or other acquisition or disposition of securities and other investments in the Account in conformance with any written criteria Client may provide to Meeder from time to time. Client shall designate the amount and maturity of funds invested.

4. Custody. Meeder will not assume physical custody of the Account or any portion of it. Client shall establish a custodial account with a qualified custodian ("Custodian"). Client will receive from the Custodian account statements and confirmations identifying assets and transactions in the Account. All transactions will be consummated by payment to, or delivery by, the Custodian of all cash, securities and other assets due to or from the Account. The Custodian shall be responsible for investing any daily cash balances in the Account and Meeder will not exercise discretion to select sweep vehicles for the Account.

5. Investment Objectives and Restrictions. Client may provide Meeder with an Investment Policy Statement or other written directions setting forth the investment objectives and any specific investment restrictions or limitations which govern the Account. Meeder shall be entitled to rely on such written guidelines, objectives and restrictions relating to the Account as it may receive from Client. It is the Client's responsibility to inform Meeder in writing of any changes or modifications to the Investment Guidelines, which shall be given ten days in advance of any such change.

6. Brokerage. Unless otherwise directed, Meeder will place trades for the Account through such brokers or dealers as it may select. When selecting brokers, Meeder's primary consideration will be the broker's ability to provide best execution of trades and Meeder may consider the quality and reliability of the brokerage services, trade price and commission, as well as research and other services provided by the broker-dealers. Meeder will direct broker-dealers to provide Client with independent trade confirmation(s) for each transaction.

7. Trade Aggregation. Meeder may aggregate trades for multiple clients when, in the adviser's judgment, aggregation is in the best interests of the clients involved. Orders are aggregated to facilitate best execution and allocate equitably among clients the effects of any market fluctuations that might have otherwise occurred had

A handwritten signature in blue ink, appearing to read "Quinn".

these orders been placed independently. Where it is not possible to obtain the same execution price for all securities purchased or sold on an aggregated basis, Meeder may allocate trades equitably among its clients using the average execution price.

8. Fees. For the services provided in accordance with this Agreement, Client will pay an investment advisory fee as indicated on Schedule A to this Agreement. Investment advisory fees do not include custody fees charged by Client's selected Custodian. Client fees will be invoiced on a monthly basis by Meeder.

9. Solicitor Arrangements. Meeder accepts Clients referred through unaffiliated introducing advisors ("Solicitors") and Meeder Public Funds, Inc. may pay a referral fee directly or through its affiliate, Meeder Advisory Services, Inc., in connection with Client's Account. Each Client who is introduced to Meeder by a Solicitor will acknowledge the amount of the referral fee in a separate Written Disclosure Statement.

10. Third-Party Payments. Meeder or its affiliates receive compensation from unaffiliated third parties for opening, administering or advising certain financial products offered to advisory clients, including STAR Ohio and the Government Insured Deposit Program (GIDP). Asset based advisory fees are not charged for assets invested in products that pay indirect compensation to Meeder.

11. Proxy Voting. Meeder does not accept or assume authority to vote proxies for its public fund clients. Clients will receive their proxies or other solicitations directly from their Custodian. Client agrees that Meeder will not advise or act for Client in any legal proceedings, including bankruptcies or class actions, involving securities held or previously held by the Account or the issuers of such securities.

12. Electronic Delivery. Client consents to electronic delivery of all documents from Meeder, including but not limited to a copy of the executed Agreement, statements, confirmations, Meeder's Form ADV Part 2, and other general communications.

13. Confidentiality. All information and advice furnished by either party to the other, including their respective agents and employees, shall be treated as confidential and shall not be disclosed to third parties except as otherwise required by law or as agreed to in writing by Client.

14. Services to Other Clients. Client understands that Meeder serves as investment adviser for other clients and will continue to do so. Client also understands that Meeder, its personnel and affiliates ("Affiliated Persons") may give advice or take action in performing their duties to other clients, or for their own accounts, that differ from advice given to or action taken for Client. Meeder is not obligated to buy, sell or recommend for Client any security or other investment that Meeder or its Affiliated Persons may buy, sell or recommend for any other client or their own accounts.

15. Meeder's Representations. Meeder represents that it is a registered investment adviser under the Investment Advisers Act of 1940. Meeder further represents that its personnel hold all licenses required by the federal government and the State of Texas for a provider of services described herein and that such services will be performed with the professional skill and care ordinarily provided by competent professionals practicing in the same or similar locality and under the same or similar circumstances and professional license.

16. Client's Representations. Client represents and acknowledges that: (i) Client is the sole owner of the Account assets and has full power and authority to enter into this Agreement and to commit the assets to Meeder's management and supervision; (ii) that the person signing this Agreement on behalf of Client is authorized and empowered to establish accounts and commit the assets to Meeder's management and supervision on the entity's behalf; (iii) Client has received Meeder's current Form ADV, Part 2A and B; and (iv) Client has received a copy of Meeder's Privacy Policy.

17. Term. This Agreement may be terminated by either party for any or no reason upon delivery by first class U.S. mail, postage prepaid, or delivery by hand, of a written "Notice of Termination" to the other party at least thirty (30) days prior to the date of the intended early termination of this Agreement. Termination of this Agreement will not affect the status, obligations or liabilities of the parties to this Agreement that arose prior to such termination. Because the fees pursuant to this Agreement are billed in arrears, Client will only be responsible for any fees outstanding on the date of termination of this Agreement to the extent that termination that occurs during a billing period will be invoiced on a prorated basis. There will be no other residual payments or fees owed by client.



18. Limitation of Liability. Except for negligence, malfeasance or violation of applicable law, neither Meeder nor its officers, directors or employees shall be liable to Client for any action performed, or omitted to be performed, or for any errors of judgment in managing the Account. Nor shall Meeder be liable to Client for any act or failure to act by any other third party. The federal securities laws impose liabilities under certain circumstances on persons even when they act in good faith. Therefore, nothing in this Agreement shall in any way constitute a waiver or limitation of any rights that Client may have under any federal or state securities laws.

19. Assignment. This Agreement may not be assigned by either party without the consent of the other party. Meeder will provide Client at least thirty (30) days prior written notice of any proposed assignment.

20. Independent Contractor Status. The parties acknowledge that Meeder is an independent contractor and no employee or agent of Meeder shall be deemed for any reason to be an employee or agent of Client. Nothing in this agreement is intended, nor shall be construed to create, an agency relationship, an employer/employee relationship or a joint venture relationship among the parties.

21. Amendment. This Agreement may be modified or amended only by written instrument duly executed by both parties

22. Notice: All notices, Letters of Instruction, requests or demands required or permitted herein shall be given in writing and shall be deemed duly given when mailed by registered or certified mail, postage prepaid, addressed , telefaxed or emailed to the following:

CLIENT

Jonny F. Hipp
Administrator/Chief Executive Officer
Nueces County Hospital District
555 N. Carancahua Street, Suite 950
Corpus Christi, Texas 78401
Email: jonny.hipp@nchdcc.org

MEEDER

Meeder Public Funds
6125 Memorial Drive
Dublin, Ohio 43017
ATTN: JASON HEADINGS
614-760-2111
jheadings@meederinvestment.com

23. Presentations. An authorized representative of Meeder shall be available to present reports or attend presentations to Client or Client's governing body on a quarterly basis, or as requested by Client.

24. Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of Texas. Venue shall be in a court of competent jurisdiction in Nueces County, Texas.

25. Public Information Act. Information, documentation and other material in connection with this Solicitation or any resulting contract may be subject to public disclosure pursuant to Chapter 552 of the Texas Government Code ("the Public Information Act"). In accordance with Section 2252.907 of the Texas Government Code, on the request of Client, Meeder is required to make any information created or exchanged with the Client pursuant to the contract, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is



accessible by the public at no additional charge to the Client.

Any provision in the Contract that attempts to prevent Client's disclosure of information that is subject to public disclosure under federal or Texas law is invalid. (Texas Government Code Chapter 552.)

26. Severability. If any provision of this Agreement is or should become inconsistent with any law or rule of any governmental or regulatory body having jurisdiction over the subject matter of this Agreement, the provision will be deemed to be rescinded or modified in accordance with any such law or rule. In all other respects, this Agreement will continue and remain in full force and effect.

27. The individuals signing this Contract on behalf of the parties acknowledge that they are authorized to do so and further warrant that they are authorized to commit and bind their respective party to the terms and conditions of this Contract.

28. Affiliates. To the extent necessary to carry out the terms of this Agreement, any named affiliate of Meeder shall be deemed to be a party to the Agreement for that purpose.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers or agents to become effective as of the day and year first written above.

MEEDER PUBLIC FUNDS

NUECES COUNTY HOSPITAL DISTRICT

BY: Jason Headings
JASON HEADINGS

BY: Jonny F. Hipp
JONNY F. HIPPI

SR VICE PRESIDENT
TITLE

ADMINISTRATOR/CHIEF EXECUTIVE OFFICER
TITLE

DATE: 3/24/2023

DATE: 04/03/2023



Meeder Public Funds

Schedule A - Schedule of Fees

As of November 2022

This schedule sets forth the standard annual investment advisory fee applicable to the Account under this Agreement. The schedule is tiered and each tier of assets under management will be assessed at the rate set forth in the schedule.

Discretionary Accounts	
Assets Under Management	Annual Advisory Fee
Up to \$25,000,000	0.09%
\$25,000,000 - \$50,000,000	0.07%
\$50,000,000 - \$100,000,000	0.05%
Over \$100,000,000	0.03%

Investment advisory fees are subject to minimum fee of \$5,000 per year. Fees are calculated and billed monthly in arrears based on the value of the securities, cash and other assets in the account at the end of the billing period. Unless otherwise agreed, fees are invoiced to the client on a monthly basis. For clients who utilize Meeder's Preferred Custodian, fees may be credited an amount equal to the custodial fee up to a maximum annual credit of 0.01%. Meeder reserves the right to discontinue credits for custodial fees charged by the Preferred Custodian at any time and upon 30 days' notice in writing of the change to Client.

A handwritten signature in blue ink, appearing to read "Quip".



Administrative Offices

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

Office: (361) 808-3300

Fax: (361) 808-3274

www.nchdcc.org

BOARD OF MANAGERS RESOLUTION AUTHORIZING APPROVAL OF PROPOSED TEXAS STATEWIDE OPIOID SETTLEMENT AGREEMENTS

BE IT REMEMBERED, at a regular meeting of the Board of Managers of Nueces County Hospital District held on the 23rd day of May, 2023, on motion made by Board Member _____ and seconded by Board Member _____ the following Board of Managers Resolution was adopted:

WHEREAS, Nueces County Hospital District obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses;

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs in the past to the Hospital District and will undoubtedly result in significant financial costs in the future;

WHEREAS, the Hospital District brought or has investigated claims against (1) Allergan Finance LLC and Allergan Limited ("Allergan Defendants"), and certain other defendants related to potentially released claims; and (2) other defendants in the opioid supply chain on behalf of the County in *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, currently pending in the 152nd District Court of Harris County, Texas and/or removed pending remand;

WHEREAS, on May 10, 2023, the Allergan Defendants in the opioid litigation brought by the Hospital District, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Allergan Texas Statewide Opioid Settlement Agreement (the "Texas Addendum");

WHEREAS, Special Counsel and the State of Texas have recommended that the Board of Managers support the adoption and approval of the Texas Addendum in its entirety; and

WHEREAS, even though the payments from the settlements reflect partial compensation to Nueces County Hospital District for the past damages it has suffered or the future damages it is likely to incur, given the risks of litigation, the fact that it is to the benefit of Texas and the Hospital District and its residents, and that it reduces the risks associated with protracted litigation.

NOW, THEREFORE, BE IT RESOLVED that we, the Board of Managers of the Nueces County Hospital District:

1. Support the adoption and approval the Texas Addendum;
2. Authorizes the Hospital District to execute the Texas Release for the Texas Addendum Subdivision Participation Form and Release; and
3. Finds as follows:
 - a. There is a substantial need for repayment of past opioid-related expenditures and payment to help abate current and future opioid-related harms in and about Nueces County, Texas; and
 - b. The Board of Managers supports in its entirety the Texas Addendum. The Board of Managers understands that the purpose of each Settlement is to effectuate resolution of the Opioid Litigation against the Allergan Defendants. We also understand that an additional purpose is to ensure the effective means of distributing any potential settlement funds obtained under settlements in Texas and under the jurisdiction of Texas Courts in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in Nueces County, Texas and throughout Texas.

The Hospital District is hereby authorized to approve and accept the Texas Addendum as set forth herein.

The Hospital District's Administrator, Mr. Jonny F. Hipp, is hereby authorized to execute and deliver the Settlement participation and release documents and/or forms recommended for approval by Special Counsel in the above referenced case and to approve such terms and provisions for the full and final settlement of all matters set forth therein.

ADOPTED IN OPEN MEETING SESSION on this the 23rd day of May, 2023.

NUECES COUNTY HOSPITAL DISTRICT

John E. Valls
Chairman, Board of Managers

ATTEST:

Jonny F. Hipp
Secretary, Board of Managers

[Hospital District Seal]

Exhibit B

TEXAS ADDENDUM SUBDIVISION PARTICIPATION FORM AND RELEASE

Texas Political Subdivision: Nueces County Hospital District	State: Texas
Authorized Official: Jonny F. Hipp, Administrator/Chief Executive Officer	
Address 1: 555 N. Carancahua Street, Suite 950	
Address 2:	
City, State, Zip: Corpus Christi, Texas 78401	
Phone: 361-808-3300	
Email: jonny.hipp@nchdcc.org	

The governmental entity identified above (“Texas Political Subdivision”), in order to obtain and in consideration for the benefits provided to the Texas Political Subdivision pursuant to the Allergan-Texas Statewide Opioid Settlement Addendum (“Allergan Texas Addendum”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Texas Addendum, release all Released Claims against all Released Entities, and agrees as follows.

1. The Texas Political Subdivision above is aware of and has reviewed the Allergan Texas Addendum, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Political Subdivision elects to participate in the Allergan Texas Addendum as provided therein.
2. The Texas Political Subdivision shall immediately cease any and all litigation activities as to the Released Entities and Released Claims and, within 14 days of executing this Participation Form, its counsel shall work with Allergan’s counsel to dismiss with prejudice any Released Claims that it has filed against Released Entities.
3. The Texas Political Subdivision agrees to the terms of the Allergan Texas Addendum pertaining to Political Subdivisions as provided therein.
4. By agreeing to the terms of the Allergan Texas Addendum and becoming a Releasor, the Texas Political Subdivision is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date of the Release.
5. The Texas Political Subdivision agrees to use any monies it receives through the Allergan Texas Addendum solely for the purposes provided therein.

6. The Texas Political Subdivision submits to the exclusive jurisdiction and authority of the Texas Consolidated Litigation Court as defined in the Allergan Texas Addendum. For the avoidance of doubt, nothing contained in this Participation Form, or the Allergan Texas Addendum constitutes consent to jurisdiction, express or implied, over the governmental entity or its selected counsel to the jurisdiction of any other court (including without limitation MDL 2804, the MDL 2804 Fee Panel, the MDL 2804 Enforcement Committee, or the Court in which any Texas Consent Judgment is filed) for any purpose whatsoever.
7. The Texas Political Subdivision has the right to enforce the Allergan Texas Addendum in the Texas Consolidated Litigation Court as provided therein.
8. The Texas Political Subdivision, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Allergan Texas Addendum and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Texas Political Subdivision hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Texas Addendum are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Texas Political Subdivision to release claims. The Allergan Texas Addendum shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Allergan Texas Addendum, each Texas Political Subdivision expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Texas Political Subdivision hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist,

whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Texas Political Subdivision's decision to participate in the Allergan Texas Addendum.

10. The Texas Political Subdivision acknowledges, agrees, and understands that the Settlement Amount in the Section of the Allergan Texas Addendum entitled Base and Incentive Payments for the benefit of the Participating Texas Political Subdivision, is less than or equal to the amount, in the aggregate, of the Alleged Harms allegedly suffered by the governmental entity, constitutes restitution and remediation for damage or harm allegedly caused by Allergan in order to restore, in whole or part, the governmental entity to the same position or condition that it would be in had it not suffered the Alleged Harms; and constitutes restitution and remediation for damage or harm allegedly caused by the potential violation of a law and/or is an amount paid to come into compliance with the law.
11. Nothing herein is intended to modify in any way the terms of the Allergan Texas Addendum Agreement, to which the Texas Political Subdivision hereby agrees. To the extent this Election and Release is interpreted differently from the Allergan Texas Addendum, the Allergan Texas Addendum controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Texas Political Subdivision.

Signature: _____
Name: _____
Title: _____
Date: _____