

AUG 24 2021

RESOLUTION NO. 16,952 (1)

BECKY LANDRUM  
County Clerk, Hunt County, Tex.

**A RESOLUTION OF THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS, AUTHORIZING TRANSFER OF FUNDS RECEIVED PURSUANT TO THE AMERICAN RESCUE PLAN TO THE HUNT MEMORIAL HOSPITAL DISTRICT FOR THE PURPOSE OF MEDICAL RESPONSE TO COVID-19, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization;

**WHEREAS**, a State of Disaster was declared by the Texas Governor on March 13, 2020;

**WHEREAS**, symptoms of COVID-19 include fever, coughing, and shortness of breath. In some cases the virus has caused death;

**WHEREAS**, the United States Congress passed the American Rescue Plan ("ARP"), which included funds to be distributed for specific purposes to local governments, including Hunt County;

**WHEREAS**, the United States Department of the Treasury has issued official guidance regarding the use of ARP funds, which includes allowable uses for many of HMHDs COVID-19 related expenses, including "COVID-19 Mitigation and Prevention," defined by the Treasury as "A broad range of services and programming are needed to contain COVID-19. Mitigation and prevention efforts for COVID-19 include vaccination programs; medical care; staffing, testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in, congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses. They also include capital investments in public facilities to meet pandemic operational needs, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics." The ARP funds at issue can legally be used for these and many other HMHD expenses;

**WHEREAS**, the Hunt Memorial Hospital District ("HMHD") did not receive funds under the current ARP, and has not received the same support it received under prior funding rounds;

**WHEREAS**, the State of Texas has experienced a recent large increase in COVID-19 hospitalizations, including at the hospitals in Hunt County. The large increase in Hunt County hospitalizations has required HMHD to hire many outside professions including nurses, as well as

purchase additional medications and equipment, all at great unfunded cost to the organization, and it is unclear whether the state or federal government will provide additional funding of any sort;

**WHEREAS**, The Hunt County Commissioners Court believes it is in the continued interest of the health, safety and welfare of the citizens of Hunt County to grant a portion of the County's ARP funds to HMHD to support its continued operation;

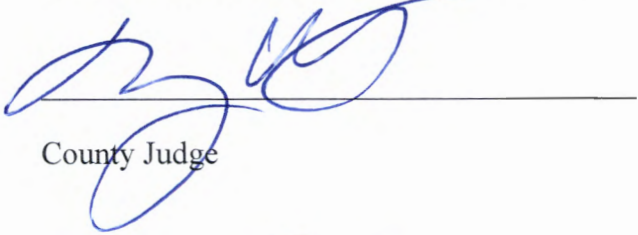
**WHEREAS**, HMHD has retained outside counsel, and been advised that the organization may legally accept and spend a grant of a portion of Hunt County's ARP funds to support HMHD's continued operation, and can and will comply with the then-current guidance release by the US Department of the Treasury; and


**WHEREAS**, HMHD has advised Hunt County that it will spend any subgrant of ARP funds as strictly required by the federal government, and that it will provide any documents related to spending for audit purposes to Hunt County, the Hunt County Auditor's Office, the United States government (or any part of the US government responsible for auditing of ARP fund usage) as soon as practicable upon request, and will cooperate in good faith with the County to answer any audit questions from any governmental unit authorized to audit the use of ARP funds – including the Hunt County Auditor's Office;

**THEREFORE, the Commissioners Court resolves that:**

1. The Commissioners make a finding the information above is true and correct;
2. That a subgrant of \$1,000,000 is granted to HMHD, and shall be processed by the Hunt County Treasurer as soon as practicable;
3. The ARP funds transfer will not occur until the ARP subgrant funding is approved by the Hospital Board, and upon written confirmation in such acceptance that HMHD will:
  - a. use the funding in a manner acceptable to the US government under then-current guidance from the Department of the Treasury;
  - b. provide any documents requested by Hunt County, the Hunt County Auditor's Office, or any portion of the United States government authorized to conduct an audit on the use ARP funds; and
  - c. repay the ARP funding subgrant to the County if any portion of the subgrant is finally disallowed by any federal government agency or court; and
4. This Resolution shall be in full force upon its passage and approval.

**PASSED AND APPROVED**, this the 24<sup>th</sup> day of August, 2021.

  
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County Judge

**ATTEST:**   
\_\_\_\_\_  
County Clerk

16,952 (2)

FILED FOR RECORD  
at 2:00 o'clock P M

AUG 24 2021

**INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF HUNT AND THE HUNT MEMORIAL HOSPITAL DISTRICT**

By BECKY ANDRUM  
County Clerk, Hunt County, Tex.

**THIS AGREEMENT** is entered into this 24<sup>th</sup> day of August 2021, between HUNT COUNTY, hereinafter called the "County," and the Hunt Memorial Hospital District, hereinafter called the "District," by and through its duly-authorized officials, pursuant to the Interlocal Cooperation Act, and for the purpose of providing a sub-grant to the District pursuant to the American Rescue Plan.

**A. BACKGROUND:**

1. The County and the District are authorized to enter this Agreement pursuant to the Interlocal Cooperation Act, Chapter 791, Texas Government Code. The COUNTY and the DISTRICT are local governments as defined in Texas Government Code, Section 791.003(4), have the authority to enter into this agreement, and have each entered into this agreement by the action of its governing body in the appropriate manner prescribed by law.
2. Beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization. A State of Disaster was declared by the Texas Governor on March 13, 2020. The United States Congress passed the American Rescue Plan ("ARP"), which included funds to be distributed for specific purposes to local governments, including Hunt County.
3. The United States Department of the Treasury has issued official guidance regarding the use of ARP funds, which includes allowable uses for many of the District's COVID-19 related expenses. The District did not receive funds under the ARP, and has not received the same support it received under prior funding rounds. The State of Texas has experienced a recent large increase in COVID-19 hospitalizations, including at the hospitals in Hunt County. The large increase in Hunt County hospitalizations has required the District to hire many outside professions including nurses, as well as purchase additional medications and equipment, all at great unfunded cost to the organization, and it is unclear whether the state or federal government will provide additional funding of any sort.
4. The County and the District believe that the public health, safety and welfare of the citizens of Hunt County would be best served by both parties entering into this Intergovernmental Cooperation Agreement pursuant to the authority granted by Chapter 791 of the Texas Government Code (the Texas Intergovernmental Cooperation Act). It is necessary and in the best interests of the County and the District to combine resources for the mutual benefit of their constituents. The County shall make the ARP subgrant payment from current revenues available to the County.

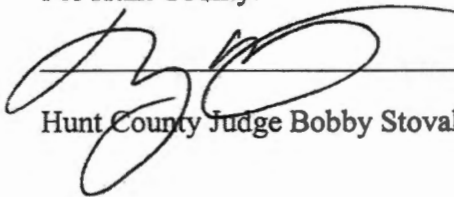
**B. AGREEMENTS:**

1. Hunt County will make an initial subgrant of \$1,000,000 to the District upon approval of the relevant resolution and contract by the governing bodies of each entity;
2. By approving and signing this agreement, the District affirmatively states that it will:
  - a. use the subgrant funding in a manner acceptable to the US government under then-current guidance from the Department of the Treasury, and pursuant to the language of the Resolution to be approved by both parties on August 24, 2021;

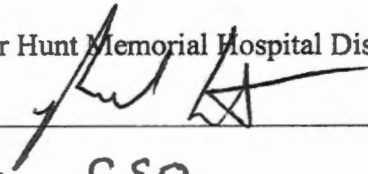
- b. provide any documents requested by Hunt County, the Hunt County Auditor's Office, or any department or agency of the United States government authorized to conduct an audit on the use ARP funds; and
  - c. repay the ARP funding subgrant to the County if any portion of the subgrant is finally disallowed by any federal government agency or court; and
3. *Payment Address.* All payments submitted under this Agreement shall be made without demand and shall be made payable to Attn: Lee Boles 4215 Joe Ramsey Blvd. Greenville, Tx 75403
  4. *Applicable Law and Venue.* For purposes of determining the law governing the same, this Agreement is entered into in the County of Hunt, State of Texas, and shall be governed by the laws of the State of Texas. Venue shall be in Hunt County, Texas;
  5. *Governmental Function.* The Parties expressly agree that, in all things relating to this Agreement, the County and the District are performing a governmental function, as defined by the Texas Tort Claims Act. The Parties further expressly agree that every act or omission of either party, which, in any way, pertains to or arises out of this Agreement falls within the definition of governmental function;
  6. *Severability.* Every provision of this Agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement; and
  7. *Entire Agreement; Amendments.* This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and no amendment, modification or alteration of the terms shall be binding unless the same as in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

Approved:

For Hunt County:

  
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Hunt County Judge Bobby Stovall

For Hunt Memorial Hospital District:

  
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Its: CEO