

County of Nueces



OFFICE OF THE

COUNTY JUDGE

NOAH KENNEDY, JR.

COUNTY JUDGE

CORPUS CHRISTI, TEXAS

January 15, 1968

Dr. Hector P. Garcia
1315 Bright
Corpus Christi, Texas

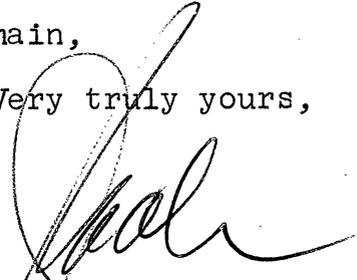
Dear Dr. Garcia:

Enclosed please find a xeroxed copy of the opinion which County Attorney Franklin Smith has given me concerning the closing of Hilltop Hospital without a referendum election. As you recall, I promised you a copy of the opinion in our conversation week before last.

If this opinion raises questions in your mind, or if you wish to discuss this matter further, I am available to you at your convenience.

With every good wish, I remain,

Very truly yours,


Noah Kennedy, Jr.
County Judge
Nueces County
Texas

NK:cs

Honorable Noah Kennedy, Jr.
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was created pursuant to Article 9, Section 4 of the Texas Constitution and Article 4494p, Vernon's Annotated Texas Statutes, and came into existence immediately subsequent to a canvass of the votes on July 21, 1967.

The statute above cited provides that upon creation of a hospital district all hospital property including lands, buildings and equipment owned by the county shall become the property of the hospital district. Therefore, Hilltop Hospital became a part of the hospital district and subject to its governing body upon creation of the district. Further, any outstanding bonded indebtedness theretofore incurred by the county in the acquisition of lands, buildings and equipment for such hospital system, or in the construction and equipping of such hospital facilities were assumed by the hospital district and became its obligation.

Such statute designates the Commissioners' Court as the Board of Managers of the hospital district and gives such board broad powers to manage and operate the hospital system of the district. These powers include the right to discontinue the operation of any portion of the system.

In view of the foregoing, it is my opinion that the operation of Hilltop Hospital may be discontinued by order of the Board of Managers of the hospital district. There is no provision in the law providing for the submission to the voters the issue of whether or not a hospital shall be closed. It is inconceivable to me that the hospital district, acting by and through its Board of Managers, could be prevented from closing or discontinuing any portion of a hospital system where, in the judgment of such board, the continued operation thereof would constitute an economic detriment to the district.

Patients suffering from tuberculosis are subject to the Texas Tuberculosis Code enacted in 1959, codified as Article 4477-11. This article, and Article 4477-12, confers upon the State Board of Health the authority to treat tubercular patients. Provision is also made by which counties will share in the expense of clothing and transporting such patients to such state hospital.

Yours very truly,


Franklin L. Smith

FLS:cjh