

PIONEERS MEMORIAL HEALTHCARE DISTRICT
207 West Legion Road, Brawley, CA 92227
SPECIAL MEETING OF THE BOARD OF DIRECTORS

Monday, June 5, 2023
11:00 am
PMH Auditorium

Minutes

PMHD MISSION: Quality healthcare and compassionate service for families of the Imperial Valley

In compliance with the Americans with Disabilities Act, if you require special accommodations to participate in a board meeting, please contact the District at (760) 351-3250 at least 48 hours prior to the meeting

I. CALL TO ORDER (*time: 11:00 am – 11:15 am*)

President Santillan called the meeting to order at 11:00 am in the PMH Auditorium

A. Roll Call

BOARD MEMBERS:

Katy Santillan, President
Enola Berker, Vice President
Rachel Fonseca, Secretary
Linda Rubin, Treasurer
Nick Aguirre, Asst. Secretary/Treasurer

STAFF:

Sally Nguyen, General Counsel

GUESTS:

Carly Zamora, Chief of Clinics
Jurg Heuberger, LAFCO

B. Approval of Agenda

A motion was made to approve the agenda and was carried unanimously.

II. BOARD MEMBER COMMENTS

There were no comments.

III. PUBLIC COMMENTS – At this time, the Board will hear comments on any agenda item and on any item not on this agenda. If any person wishes to be heard, he or she shall stand; address the chairperson and state the subject, or subjects, upon which he or she desires to comment. Time limit for each speaker is 5 minutes. A total of 15 minutes shall be allocated for each item. (*time: 11:15 am – 11:30 am*)

Two members of the public spoke regarding AB 918 and expansion of PMHD. The public members expressed concerns about legislation and impact on Brawley and the Imperial County. A copy of AB 918 was submitted as a document with changes made in bold. The

SECTION

public members shared an idea that each area stays responsible for their own debt by assigning taxes proportionate and necessary for servicing their own debt. The public members shared an idea that AB 918 include terms that require the City of El Centro to agree to sell/transfer assets to the new district. Director Rubin responded that the concerns heard from the public have all been discussed with Assembly-member Garcia and that PMHD is working with others regarding suggested changes. Director Rubin advised the public members to share their proposed amendments with Assemblymember Garcia directly. Copy of recommended changes are located at the end of these minutes.

IV. OLD BUSINESS (*time: 11:30 am – 11:45 am*)

There was no old business.

V. CLOSED SESSION – The following matters will be considered by the Board in closed session; the Board will reconvene in open session to announce any action taken on matters considered in closed session. (*time: 11:45 pm – 1:55 pm*)**A. CONSIDERATION OF MATTERS INVOLVING TRADE SECRETS – Safe Harbor: Health and Safety Code §32106, subparagraph (b)**

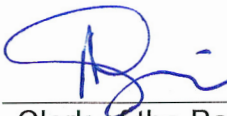
1. Based on the Board's prior findings regarding Trade Secret classification, as contained in Resolution 2023-01, consideration, and discussion of possible initiation of the following:
 - a. Updating Certain District Strategic Planning Initiatives

VI. RECONVENE TO OPEN SESSION (*time: 1:55 pm – 3:15 pm*)**A. Take Actions as Required on Closed Session Matters**

The Board took action and approved the hiring of a lobbyist for the AB 918 matter.

VII. ADJOURNMENT (*time: 3:15 pm*)

The meeting was adjourned to the next meeting.



Clerk of the Board



Board Secretary

AMENDED IN ASSEMBLY MAY 01, 2023
AMENDED IN ASSEMBLY APRIL 17, 2023
AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE---2023-2024 REGULAR SESSION

ASSEMBLY BILL

NO. 918

Introduced by Assembly Member Garcia

February 14, 2023

An act to add Chapter 11 (commencing with Section 32499.5) to Division 23 of the Health and Safety Code, relating to health care districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as amended, Garcia. Health care district: County of Imperial

Existing law, the Local Health Care District Law, authorizes the organization and incorporation of local health care districts and specifies the powers of those districts, including, among other things, the power to establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services, including, but not limited to, outpatient programs, services, and facilities; retirement programs, services and facilities; chemical dependency programs, services, and facilities; or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district.

~~The bill would rename the Pioneers Memorial Healthcare District as the Imperial Valley Healthcare District.~~ The bill would authorize the expansion of **the Pioneers Memorial Healthcare District** to include all of the County of Imperial. The bill would require the **Pioneers Memorial Healthcare District**, to submit a resolution of application to the Imperial County Local Agency Formation Commission to initiate proceedings to expand the **Pioneers Memorial Healthcare District**. **The application shall require a commitment by the City of El Centro to place El Centro Regional Medical Center in the expanded district. The expansion of the district will not proceed without said commitment. The Local Agency Formation Commission will ensure that the health care needs and concerns of those impacted by the expansion are appropriately addressed.** The bill would require the **Local Agency Formation Commission** to order the expansion of the **Pioneers Memorial Healthcare District** subject to a vote of the registered voters residing within the territory to be annexed at an election following the completion of those proceedings. The bill would require the Board of Supervisors of the County of Imperial, upon direction by the commission, to place approval of district expansion on the ballot at the next countywide election following the completion of commission proceedings, including a public hearing. The bill would provide for expansion of the district upon voter approval, if a funding source sufficient to support the operations of the expanded district is, if required, approved, as specified. The bill would require the **Pioneers**

Memorial Healthcare District and Heffernan Memorial Healthcare District to pay for election costs, as specified. **Upon voter approval the Pioneers Memorial Hospital District would be renamed as the Imperial Valley Healthcare District.** The bill following expansion, would dissolve the Heffernan Memorial Healthcare District and would transfer the assets, rights, and responsibilities of that district to the Imperial Valley Healthcare District. The bill would require the board of directors of the Imperial Valley Healthcare District, following expansion, to adopt a resolution to increase the number of members of the district board of directors from 5 to 7, and to appoint 2 members who are residents of the territory annexed by the district to fill the vacant positions, as specified. Following the expansion of the board of directors, the bill would require the board of directors to adopt a resolution to divide the Imperial Valley Healthcare District into voting districts for the purpose of electing members of the board of directors from and by the electors of those voting districts beginning with the next district election, as specified. **The bill would require that the Local Agency Formation Commission submit recommendations regarding the establishment of these voting districts.** By imposing new duties on the County of Imperial, the bill would impose a state-mandated local program.

This bill would state the intent of the Legislature that the Imperial Valley Healthcare District maximize the use of its assets to provide direct health care services to individuals within the district, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Imperial.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above **including costs for conducting the election.**

Vote: Majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 11 (commencing with Section 32499.5) is added to Division 23 of the Health and Safety Code, to read:

Chapter 11. Imperial Valley Healthcare District

32499.5 (a) ~~The Pioneers Memorial Healthcare District is renamed the Imperial Valley Healthcare District. The Imperial Valley Healthcare District may be expanded in accordance with this chapter. All other provisions of this division shall apply to the Imperial Valley Healthcare District following its reorganization, except as provided in this chapter.~~

~~(b)~~**(1)** On or before January 5, 2024, the Imperial Valley Healthcare District's **Pioneers Memorial Healthcare District** shall file a resolution of application with the Imperial County Local Agency Formation Commission, pursuant to subdivision (a) of Section 56654 of the Government Code, to initiate proceedings by the Imperial County Local Agency Formation Commission for the purpose of expanding the Imperial Valley Healthcare District **Pioneers Memorial Healthcare District** to include all of the

County of Imperial. The resolution of application shall comply with Section 56652 of the Government Code and shall specify the source of funding for the expanded district. **The Local Agency Formation Commission shall also make a determination regarding the amount of property tax needed per resident to fund the Imperial Valley Healthcare District. Additionally, the Commission will make a determination regarding additional tax would be need from El Centro and Brawley Residents to fund existing bond obligations.** ~~Imperial Valley Healthcare District~~ **Pioneers and Heffernan Memorial Healthcare Districts** shall pay any fees associated with the resolution of application.

~~(2)~~ **(b)** The Imperial County Local Agency formation Commission proceeding shall be deemed initiated on the date the resolution of application is accepted for filing. Subsequent to initiation of the proceeding, the commission shall hold a hearing pursuant to Section 56666 of the Government Code. The commission shall comply with the notice requirements of Sections 56660 and 56661 of the Government code in connection with the hearing.

~~(3)~~ **((**The Imperial County Local Agency Formation Commission shall complete its proceedings and direct the election required by paragraph (2) of subdivision (c) no later than 150 days following receipt of the completed resolution of application. Notwithstanding any other law, the Imperial County Local Agency Formation Commission shall not have the power to disapprove the resolution of application.

~~(4)~~ **(d)** Notwithstanding any other law, the resolution of application filed by ~~the Imperial Valley Healthcare District~~ **Pioneers Memorial Healthcare District** pursuant to this subdivision shall not be subject to any protest proceedings.

~~(5)~~ **(e)** The resolution of application filed by **Pioneers Memorial Healthcare District shall not proceed until a commitment is received by the City of El Centro to transfer the El Centro Regional Medical Center to Pioneers Memorial Healthcare District.**

~~(e)(1)~~ **(f)** The Imperial County Local Agency Formation Commission shall order the expansion of the district subject to a vote of the registered voters residing within the territory to be annexed at an election following the completion of proceedings pursuant to subdivision (b) The commission may condition the annexation on the district's imposition of sufficient revenues to provide services within the territory to be annexed, including, but not limited to, the concurrent approval of special taxes or benefit assessments that will generate those sufficient revenues.

~~(2)~~ **(g)** The Imperial County Local Agency Formation Commission shall direct the Board of Supervisors of the County of Imperial to direct county officials to conduct the necessary election for approval of district expansion by placing approval of district expansion, pursuant to subdivision (d) of Section 57118 of the government Code, and approval of any necessary funding source for the expanded district that requires voter approval on the ballot at the next countywide election.

~~(3)~~ **(h)** If a majority of the votes within the territory ordered to be annexed vote in favor of the expanded district and if a number of voters required under applicable law to approve any necessary funding source that requires voter approval vote in favor of that funding source, the district shall be expanded in accordance with this chapter and **Pioneers Memorial Healthcare District shall be renamed as the Imperial Valley Healthcare District.**

~~(4)~~ **(i)** The district shall pay to the county the actual cost of the services rendered in conducting the election.

~~(d)~~ **(j)** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code) shall not apply to the expansion of the district pursuant to subdivisions (b) and (c), except as specified in this part. The act shall apply to any other change of organization or reorganization as defined in that act, following the reorganization of the district pursuant to this section.

~~(e)~~ **(k)** As used in this chapter, "district" means the Imperial Valley Healthcare District.

32499.6 (a) Thirty days after the expansion of the district, and notwithstanding Sections 32100.01 and 32100.02, the Board of Directors of the Imperial Valley Healthcare District shall adopt a resolution to increase the number of members of its board of directors from five to seven without the necessity of a petition or approval thereof by votes residing within the district. The resolution shall become effective on the date of, and subject to any conditions in the resolution.

(b) The additional vacancies created by the expansion shall be filled by appointment by the board of directors. A person appointed to fill a vacancy created by subdivision (a) shall be a registered voter and a resident of the territory annexed by the district pursuant to Section 32499.5.

(c) Upon appointment, the board shall, by lot, designate one member appointed pursuant to subdivision (a) who shall leave office when their successor takes office pursuant to Section 10554 of the Elections Code, and one member appointed pursuant to subdivision (a) who shall leave office two years thereafter.

(d) A vacancy in one or both of the board positions created by subdivision (a) after the first appointment to those positions pursuant to subdivision (b) shall be filled by the methods prescribed in Section 1780 of the government Code, and, as soon as feasible, shall be filled by the methods prescribed in Section 32499.7.

(e) This section shall only become operative if the Imperial Valley Healthcare District is expanded in accordance with Section 32499.5.

32499.7 (a) The expansion of the Board of Directors of the Imperial Valley Healthcare District, and notwithstanding Section 32100.0, the Board of Directors shall adopt a resolution to divide the district into seven voting districts, number the voting districts consecutively, and elect members of the board of directors by voting district beginning with the first district election occurring at least, 30 days after the expansion of the Imperial Valley Healthcare District in accordance with Section 32499.5.

(b) In establishing the voting districts described in subdivision (a), the board of directors shall provide for representation in accordance with demographic, including population, and geographic factors of the entire area of the district. The board of directors shall fix the time and place and give public notice for a hearing on the proposed establishment of the voting districts, at which any elector of the district, may present their views and plans in relation to the proposed division, but the board of directors shall not be bound thereby and their decision, in the resolution adopted, shall be final.

(c) The resolution adopted pursuant to subdivision (a) shall declare the voting districts and describe the boundaries of each voting district.

(d) The voting districts described in subdivision (a) and any necessary procedures for implementing the election of the board of directors by voting districts shall be established and implemented within 30 days of an expansion of the Imperial Valley Healthcare District in accordance with Section 32499.5.

(e) The voting districts established pursuant to this section shall be effective for subsequent district elections, commencing with the next district election occurring after their establishment. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, these members of the board of directors shall be elected by voting districts. One member of the board of directors shall be elected by the electors of each of the voting districts. A person shall not be eligible to hold the office of member of the board of directors unless they have been a resident of the voting district from which they are elected for 30 days next preceding the date of the election.

(f) A vacancy upon the board that results in a voting district left unrepresented prior to the expiration of the term of that board position shall be filled by appointment of the remaining members of the board of directors. A member of the board of directors appointed pursuant to this subdivision shall be a resident of the voting district left unrepresented on the board of directors.

(g) This section shall become operative only if the Imperial Valley Healthcare District is expanded in accordance with Section 32499.5.

32499.8 It is the intent of the Legislature that the Imperial Valley Healthcare District maximize the use of its assets to provide direct health care services to individuals within the district through direct operation of or funding provided to organizations that own or operate hospitals, medical clinics, ambulance services, transportation programs for seniors or persons with disabilities, wellness centers, health education services, promotoras, mental health services, veterans' health services, and other similar services.

32499.9 (a) The Heffernan Memorial Healthcare District shall hereby be dissolved.

(b) The Imperial Valley Healthcare District shall be the successor to the Heffernan Memorial Healthcare District. All assets, rights, and responsibilities of the Heffernan Memorial Healthcare District are transferred to the Imperial Valley Healthcare District. As of the effective date of the dissolution, the Imperial Valley Healthcare District shall have ownership, possession, and control of all books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgements, land, and other assets and property, real or personal, owned or leased by, connected with the administration of, or held for the benefit or use of the Heffernan Memorial Healthcare District. Accounts payable and all other contract obligations shall be transferred to the Imperial Valley Healthcare District.

32499.10 The City of El Centro will transfer El Centro Regional Medical Center to Imperial Valley Healthcare District.

(a) All assets, rights, and responsibilities of the El Centro Regional Medical Center are transferred to the Imperial Valley Healthcare District. As of the effective date of the dissolution, the Imperial Valley Healthcare District shall have ownership, possession, and control of all books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements,

contracts, claims, judgements, land, and other assets and property, real or personal, owned or leased by, connected with the administration of, or held for the benefit or use of the El Centro Regional Medical Center. Accounts payable and all other contract obligations shall be transferred to the Imperial Valley Healthcare District

Section 32499.10 shall become operative only if the Imperial Valley Healthcare District is expanded in accordance with Section 32499.5 (h).

32499.10 (a) Taxes assessed to support the Imperial Valley Healthcare District will include an additional amount for the communities of Brawley and El Centro to be applied to existing bond obligations currently held by Pioneers Memorial Hospital District and El Centro Regional Medical Center. The amount to be added shall be determined by Local Agency Formation Commission.

This section shall become operative only if the Imperial Valley Healthcare District is expanded in accordance with Section 32499.5 (h).

SEC 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique community needs in the County of Imperial that would be served by the expansion of the Imperial Valley Healthcare District to include all of the County of Imperial to provide health care services for an underserved population that suffers from a higher than average prevalence of preventable disease.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.