

ASSEMBLY BILL

No. 678

Introduced by Assembly Members Gordon and Dickinson

February 21, 2013

An act to amend Section 56430 of the Government Code, and to amend Section 32121.9 of the Health and Safety Code, relating to health care districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 678, as introduced, Gordon. Health care districts: community health needs assessment.

(1) Existing law, the Local Health Care District Law, requires a health care district that leases or transfers its assets to a corporation in accordance with specified provisions to act as an advocate for the community to the operating corporation and to annually report to the community on the progress made in meeting the community's health needs.

This bill would, in addition, require that the health care district conduct an assessment, every 5 years, of the community's health needs and provide opportunities for public input. The bill would require that the annual report be made in the context of the assessment.

(2) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission, including, among others, the power to initiate proposals by resolution of application for the consolidation of a district, the dissolution of a district, a merger, the establishment of a subsidiary district, the formation of a new district or districts, and a specified reorganization.

Existing law requires the commission, in order to prepare and to update spheres of influence, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The law requires the commission, among other things, to prepare a written statement of its determinations with respect to specified items, including, but not limited to, growth and population projections for the area and present and planned capacity of public facilities.

This bill would require that, in the case of a health care district established pursuant to the Local Health Care District Law, the written statement also address any community health needs assessment developed pursuant to the provisions described in (1) above.

(3) By requiring that local agencies comply with these requirements, this bill would impose a state-mandated local program.

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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56430 of the Government Code is
- 2 amended to read:
- 3 56430. (a) In order to prepare and to update spheres of
- 4 influence in accordance with Section 56425, the commission shall
- 5 conduct a service review of the municipal services provided in the
- 6 county or other appropriate area designated by the commission.
- 7 The commission shall include in the area designated for service
- 8 review the county, the region, the subregion, or any other
- 9 geographic area as is appropriate for an analysis of the service or
- 10 services to be reviewed, and shall prepare a written statement of
- 11 its determinations with respect to each of the following:
- 12 (1) Growth and population projections for the affected area.

1 (2) The location and characteristics of any disadvantaged
2 unincorporated communities within or contiguous to the sphere
3 of influence.

4 (3) Present and planned capacity of public facilities, adequacy
5 of public services, and infrastructure needs or deficiencies including
6 needs or deficiencies related to sewers, municipal and industrial
7 water, and structural fire protection in any disadvantaged,
8 unincorporated communities within or contiguous to the sphere
9 of influence.

10 (4) Financial ability of agencies to provide services.

11 (5) Status of, and opportunities for, shared facilities.

12 (6) Accountability for community service needs, including
13 governmental structure and operational efficiencies.

14 (7) Any other matter related to effective or efficient service
15 delivery, as required by commission policy.

16 (8) *In the case of a health care district established pursuant to*
17 *Division 23 (commencing with Section 32000) of the Health and*
18 *Safety Code, any community health needs assessment developed*
19 *pursuant to Section 32121.9 of the Health and Safety Code.*

20 (b) In conducting a service review, the commission shall
21 comprehensively review all of the agencies that provide the
22 identified service or services within the designated geographic
23 area. The commission may assess various alternatives for
24 improving efficiency and affordability of infrastructure and service
25 delivery within and contiguous to the sphere of influence,
26 including, but not limited to, the consolidation of governmental
27 agencies.

28 (c) In conducting a service review, the commission may include
29 a review of whether the agencies under review, including any
30 public water system as defined in Section 116275, are in
31 compliance with the California Safe Drinking Water Act (Chapter
32 4 (commencing with Section 116270) of Part 12 of Division 104
33 of the Health and Safety Code). A public water system may satisfy
34 any request for information as to compliance with that act by
35 submission of the consumer confidence or water quality report
36 prepared by the public water system as provided by Section 116470
37 of the Health and Safety Code.

38 (d) The commission may request information, as part of a service
39 review under this section, from identified public or private entities
40 that provide wholesale or retail supply of drinking water, including

1 mutual water companies formed pursuant to Part 7 (commencing
2 with Section 14300) of Division 3 of Title 1 of the Corporations
3 Code, and private utilities, as defined in Section 1502 of the Public
4 Utilities Code.

5 (e) The commission shall conduct a service review before, or
6 in conjunction with, but no later than the time it is considering an
7 action to establish a sphere of influence in accordance with Section
8 56425 or 56426.5 or to update a sphere of influence pursuant to
9 Section 56425.

10 SEC. 2. Section 32121.9 of the Health and Safety Code is
11 amended to read:

12 32121.9. A district that leases or transfers its assets to a
13 corporation pursuant to this division, including, but not limited to,
14 subdivision (p) of Section 32121 or Section 32126, shall ~~act~~ *do*
15 *all of the following*:

16 (a) *Act* as an advocate for the community to the operating
17 corporation. ~~The district shall~~

18 (b) *Conduct an assessment, every five years, of the community's*
19 *health needs and provide opportunities for the involvement and*
20 *input of citizens, public agencies, civic organizations, and local*
21 *education agencies, and other community groups, through public*
22 *hearings and other means that the district deems appropriate.*

23 (c) *Report annually* ~~report~~ to the community on the progress
24 made in meeting the community's health needs, *as assessed*
25 *pursuant to subdivision (b).*

26 SEC. 3. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.