

ASSEMBLY BILL

No. 2414

Introduced by Assembly Member Eduardo Garcia

February 19, 2016

An act to add Chapter 8 (commencing with Section 32494) to Division 23 of the Health and Safety Code, relating to health care districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2414, as introduced, Eduardo Garcia. Desert Healthcare District.

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.

This bill would authorize the expansion of the Desert Healthcare District to include the eastern Coachella Valley region by requiring the Board of Supervisors of the County of Riverside to submit a resolution of application to the Riverside County Local Agency Formation Commission, and, upon direction by the commission, to place approval of district expansion on the ballot at the next countywide election following the completion of the review by the commission. The bill would require the review by the commission to include an analysis of funding sources available to the district and a recommendation of the

district’s boundaries, as specified. 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 identified and, if required, approved, as specified. The bill would require the board of directors of the district, following expansion, to adopt a resolution to increase the number of members of the district’s 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. By imposing new duties on the County of Riverside, the bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Coachella Valley region of Riverside County.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Chapter 8 (commencing with Section 32494) is
2 added to Division 23 of the Health and Safety Code, to read:

3
4 CHAPTER 8. DESERT HEALTHCARE DISTRICT REORGANIZATION

5
6 32494. (a) Notwithstanding Chapter 1 of this division, the
7 Desert Healthcare District may be expanded in accordance with
8 this chapter. All other provisions of this division shall apply to the
9 Desert Healthcare District following its reorganization, except as
10 provided in this chapter.

11 (b) (1) On or before 15 days after the effective date of the act
12 that added this chapter, the Board of Supervisors of the County of
13 Riverside shall file a resolution of application with the Riverside

1 County Local Agency Formation Commission, pursuant to
2 subdivision (a) of Section 56654 of the Government Code, to
3 initiate a comprehensive review and recommendation by the
4 Riverside County Local Agency Formation Commission for the
5 purpose of expanding the Desert Healthcare District to include the
6 East Coachella Valley region. The board of supervisors shall pay
7 any fees associated with the resolution of application.

8 (2) In connection with the review and recommendation described
9 in paragraph (1), the Riverside County Local Agency Formation
10 Commission shall, in consultation with the Board of Supervisors
11 of the County of Riverside, the Board of Directors of the Desert
12 Healthcare District, the Auditor-Controller of the County of
13 Riverside, local entities affected by the expansion, and other
14 relevant stakeholders, conduct and complete an analysis of the
15 funding sources available to the expanded district. The financial
16 analysis completed pursuant to this paragraph shall not be binding
17 with respect to the final funding allocated to the district if it is
18 expanded pursuant to this chapter.

19 (3) The review and recommendation of the Riverside County
20 Local Agency Formation Commission shall include a
21 recommendation of the boundaries of the expanded district. The
22 expanded district shall include all communities served by the
23 Desert Healthcare District as of the date of the filing of the
24 resolution of application, and shall also include, but not be limited
25 to, the communities of Indian Wells, La Quinta, Indio, and
26 Coachella and the unincorporated areas of Bermuda Dunes, Mecca,
27 Thermal, Oasis, North Shore, and Vista Santa Rosa.

28 (4) The Riverside County Local Agency Formation Commission
29 shall complete the review on or before August 1, 2016.
30 Notwithstanding any other law, the Riverside County Local Agency
31 Formation Commission shall not have the power to disapprove
32 the resolution of application.

33 (5) Notwithstanding any other law, the resolution of application
34 filed by the board of supervisors pursuant to this subdivision shall
35 not be subject to any protest proceedings.

36 (c) (1) If a funding source sufficient to support the operations
37 of the expanded district is identified, the Riverside County Local
38 Agency Formation Commission shall order the expansion of the
39 district subject to a vote of the registered voters residing within
40 the boundaries of the proposed expanded district at an election

1 following the completion of the review pursuant to subdivision
2 (b).

3 (2) The Riverside County Local Agency Formation Commission
4 shall direct the board of supervisors to direct county officials to
5 conduct the necessary election for approval of district expansion
6 by placing approval of district expansion and approval of any
7 necessary funding source for the expanded district that requires
8 voter approval on the ballot at the next countywide election.

9 (3) If a majority of the voters within the boundaries of the
10 expanded district vote in favor of the expanded district and if a
11 number of voters required under applicable law to approve any
12 necessary funding source that requires voter approval vote in favor
13 of that funding source, the district shall be expanded in accordance
14 with this chapter.

15 (d) The Cortese-Knox-Hertzberg Local Government
16 Reorganization Act of 2000 (Division 3 (commencing with Section
17 56000) of Title 5 of the Government Code) shall not apply to the
18 expansion of the district pursuant to subdivisions (b) and (c), except
19 as specified in this part. The act shall apply to any other change
20 of organization or reorganization as defined in that act, following
21 the reorganization of the district pursuant to this section.

22 (e) As used in this chapter, “district” means the Desert
23 Healthcare District.

24 32496. (a) No later than December 1, 2016, and
25 notwithstanding Sections 32100.01 and 32100.02, the Board of
26 Directors of the Desert Healthcare District shall adopt a resolution
27 to increase the number of members of its board of directors from
28 five to seven without the necessity of a petition or approval thereof
29 by voters residing within the district. The resolution shall become
30 effective on the date of, and subject to any conditions specified
31 in, the resolution.

32 (b) The additional vacancies created by the expansion shall be
33 filled by appointment by the board of directors. A person appointed
34 to fill a vacancy created by subdivision (a) shall be a registered
35 voter and a resident of the territory annexed by the district pursuant
36 to Section 32494.

37 (c) Upon appointment, the board shall, by lot, designate one
38 member appointed pursuant to subdivision (a) who shall leave
39 office when his or her successor takes office pursuant to Section

1 10554 of the Elections Code, and one member appointed pursuant
2 to subdivision (a) who shall leave office two years thereafter.

3 (d) A vacancy in one or both of the board positions created by
4 subdivision (a) after the first appointments to those positions
5 pursuant to subdivision (b) shall be filled by the methods prescribed
6 in Section 1780 of the Government Code.

7 (e) This section shall only become operative if the Desert
8 Healthcare District is expanded in accordance with Section 32494.

9 SEC. 2. The Legislature finds and declares that a special law
10 is necessary and that a general law cannot be made applicable
11 within the meaning of Section 16 of Article IV of the California
12 Constitution because of the unique community needs in Riverside
13 County that would be served by the expansion of the Desert
14 Healthcare District to include the entire Coachella Valley region,
15 including limited access in the eastern Coachella Valley to health
16 care services by an underserved population that suffers from a
17 higher than average prevalence of preventable disease.

18 SEC. 3. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.

23 SEC. 4. This act is an urgency statute necessary for the
24 immediate preservation of the public peace, health, or safety within
25 the meaning of Article IV of the Constitution and shall go into
26 immediate effect. The facts constituting the necessity are:

27 In order to improve the provision of health care services and
28 access to health care services by residents of the Coachella Valley
29 region as soon as possible, it is necessary that this act take effect
30 immediately.