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.


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

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

Chapter 8. Desert Healthcare District Reorganization

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

(b) (1) On or before 15 days after the effective date of the act that added this chapter, the Board of Supervisors of the County of Riverside shall file a resolution of application with the Riverside
County Local Agency Formation Commission, pursuant to subdivision (a) of Section 56654 of the Government Code, to initiate a comprehensive review and recommendation by the Riverside County Local Agency Formation Commission for the purpose of expanding the Desert Healthcare District to include the East Coachella Valley region. The board of supervisors shall pay any fees associated with the resolution of application.

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

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

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

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

(c) (1) If a funding source sufficient to support the operations of the expanded district is identified, the Riverside County Local Agency Formation Commission shall order the expansion of the district subject to a vote of the registered voters residing within the boundaries of the proposed expanded district at an election.
following the completion of the review pursuant to subdivision (b).

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

(3) If a majority of the voters within the boundaries of the expanded district 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.

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

32496. (a) No later than December 1, 2016, and notwithstanding Sections 32100.01 and 32100.02, the Board of Directors of the Desert 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 voters residing within the district. The resolution shall become effective on the date of, and subject to any conditions specified 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 32494.

(c) Upon appointment, the board shall, by lot, designate one member appointed pursuant to subdivision (a) who shall leave office when his or her 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 appointments to those positions pursuant to subdivision (b) shall be filled by the methods prescribed in Section 1780 of the Government Code.

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

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 Riverside County that would be served by the expansion of the Desert Healthcare District to include the entire Coachella Valley region, including limited access in the eastern Coachella Valley to health care services by 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.

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

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