

AMENDED IN ASSEMBLY APRIL 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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. *districts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2414, as amended, 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: *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 identified and~~, *is*, 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: $\frac{2}{3}$ -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. 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~~ *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.

1 (b) (1) On or before ~~15 days after the effective date of the act~~
2 ~~that added this chapter~~, *January 5, 2017*, the Board of Supervisors
3 of the County of Riverside shall file a resolution of application
4 with the Riverside County Local Agency Formation Commission,
5 pursuant to subdivision (a) of Section 56654 of the Government
6 Code, to initiate ~~a comprehensive review and recommendation~~
7 *proceedings* by the Riverside County Local Agency Formation
8 Commission for the purpose of expanding the Desert Healthcare
9 District to include the East Coachella Valley region. *The expanded*
10 *district shall include all communities served by the Desert*
11 *Healthcare District as of the date of the filing of the resolution of*
12 *application, and shall also include, but not be limited to, the*
13 *communities of Indian Wells, La Quinta, Indio, and Coachella,*
14 *and the unincorporated areas of Bermuda Dunes, Mecca, Thermal,*
15 *Oasis, North Shore, and Vista Santa Rosa. The resolution of*
16 *application shall comply with Section 56652 of the Government*
17 *Code and shall specify the source of funding for the expanded*
18 *district. The board of supervisors shall pay any fees associated*
19 *with the resolution of application.*

20 (2) ~~In connection with the review and recommendation described~~
21 ~~in paragraph (1), the~~ *The Riverside County Local Agency*
22 *Formation Commission shall, in consultation with the Board of*
23 *Supervisors of the County of Riverside, the Board of Directors of*
24 *the Desert Healthcare District, the Auditor-Controller of the County*
25 *of Riverside, local entities affected by the expansion, and other*
26 *relevant stakeholders, conduct and complete an analysis of the*
27 *funding sources available to the expanded district. The financial*
28 *analysis completed pursuant to this paragraph shall not be binding*
29 *with respect to the final funding allocated to the district if it is*
30 *expanded pursuant to this chapter. proceeding shall be deemed*
31 *initiated on the date the resolution of application is accepted for*
32 *filing. Subsequent to initiation of the proceeding, the commission*
33 *shall hold a hearing pursuant to Section 56666 of the Government*
34 *Code. The commission shall comply with the notice requirements*
35 *of Sections 56660 and 56661 of the Government Code in*
36 *connection with the hearing.*

37 (3) ~~The review and recommendation of the Riverside County~~
38 ~~Local Agency Formation Commission shall include a~~
39 ~~recommendation of the boundaries of the expanded district. The~~
40 ~~expanded district shall include all communities served by the~~

1 ~~Desert Healthcare District as of the date of the filing of the~~
2 ~~resolution of application, and shall also include, but not be limited~~
3 ~~to, the communities of Indian Wells, La Quinta, Indio, and~~
4 ~~Coachella and the unincorporated areas of Bermuda Dunes, Mecca,~~
5 ~~Thermal, Oasis, North Shore, and Vista Santa Rosa.~~

6 ~~(4)~~

7 (3) The Riverside County Local Agency Formation Commission
8 shall complete the review on or before August 1, 2016. *its*
9 *proceedings and direct the election required by paragraph (2) of*
10 *subdivision (c) no later than 150 days following receipt of the*
11 *completed resolution of application.* Notwithstanding any other
12 law, the Riverside County Local Agency Formation Commission
13 shall not have the power to disapprove the resolution of application.

14 ~~(5)~~

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

18 (c) (1) ~~If a funding source sufficient to support the operations~~
19 ~~of the expanded district is identified, the~~ *The Riverside County*
20 *Local Agency Formation Commission shall order the expansion*
21 *of the district subject to a vote of the registered voters residing*
22 *within the boundaries of the proposed expanded district territory*
23 *to be annexed at an election following the completion of the review*
24 *proceedings pursuant to subdivision (b).*

25 (2) The Riverside County Local Agency Formation Commission
26 shall direct the board of supervisors to direct county officials to
27 conduct the necessary election for approval of district expansion
28 by placing approval of district ~~expansion~~ *expansion, pursuant to*
29 *subdivision (d) of Section 57118 of the Government Code,* and
30 approval of any necessary funding source for the expanded district
31 that requires voter approval on the ballot at the next countywide
32 election.

33 (3) If a majority of the voters within the ~~boundaries of the~~
34 ~~expanded district territory ordered to be annexed~~ vote in favor of
35 the expanded district and if a number of voters required under
36 applicable law to approve any necessary funding source that
37 requires voter approval vote in favor of that funding source, the
38 district shall be expanded in accordance with this chapter.

39 (d) The Cortese-Knox-Hertzberg Local Government
40 Reorganization Act of 2000 (Division 3 (commencing with Section

1 56000) of Title 5 of the Government Code) shall not apply to the
2 expansion of the district pursuant to subdivisions (b) and (c), except
3 as specified in this part. The act shall apply to any other change
4 of organization or reorganization as defined in that act, following
5 the reorganization of the district pursuant to this section.

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

8 32496. (a) ~~No later than December 1, 2016, Thirty days after~~
9 ~~the expansion of the district,~~ and notwithstanding Sections
10 32100.01 and 32100.02, the Board of Directors of the Desert
11 Healthcare District shall adopt a resolution to increase the number
12 of members of its board of directors from five to seven without
13 the necessity of a petition or approval thereof by voters residing
14 within the district. The resolution shall become effective on the
15 date of, and subject to any conditions specified in, the resolution.

16 (b) The additional vacancies created by the expansion shall be
17 filled by appointment by the board of directors. A person appointed
18 to fill a vacancy created by subdivision (a) shall be a registered
19 voter and a resident of the territory annexed by the district pursuant
20 to Section 32494.

21 (c) Upon appointment, the board shall, by lot, designate one
22 member appointed pursuant to subdivision (a) who shall leave
23 office when his or her successor takes office pursuant to Section
24 10554 of the Elections Code, and one member appointed pursuant
25 to subdivision (a) who shall leave office two years thereafter.

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

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

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

1 SEC. 3. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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

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