

MEMORANDUM

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VIA HAND DELIVERY
PUBLIC DOCUMENT PER BOARD DIRECTION

TO: Board of Directors
 Imperial Valley Healthcare District

FILE NO: 133924/00000001

FROM: Adriana R. Ochoa
 Legal Counsel

DATE: March 14, 2024

RE: Task List for Implementation of Assembly Bill 918 (2023); Proposed Schedule for Adoption of Bylaws and Policy List

The Imperial Valley Healthcare District (“District”) was formed by the California Legislature as of October 8, 2023 with the enactment of Assembly Bill 918 (2023) (“AB 918”). (Health & Saf. Code, § 32499.5(a).) We were asked to assist the District Board of Directors (“Board”) with meeting the various post-formation tasks under AB 918. We have created the following timeline/roadmap that identifies each task by its due date in chronological order. For tasks with imminent due dates that require multiple steps, we have also recommended some immediate next step(s) to help ensure the task is completed by the statutory due date.

DUE DATE (task must be completed by this date)	TASK
<p align="center">March (Recommendation)</p>	<p>Retain demographer/consultant to assist with drawing seven Board member election districts.</p> <p>Deadline to adopt resolution establishing Districts: July 1</p>
<p align="center">March/April (Recommendation)</p>	<p>Commence good faith negotiations with City of El Centro regarding potential acquisition of ECRMC. Appoint Ad Hoc negotiation team.</p> <p>Reminder: Deadline to finalize terms: Nov. 5</p>

<p style="text-align: center;">May/June (Recommendation)</p>	<p>The Board should 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, as well as the years that the voting districts and associated Board positions that will be up for election.</p> <p>(Health & Saf. Code, § 32499.7(a)-(d).)</p> <p>NEXT STEPS: Begin the procurement process for a provider of district mapping support services. Contact LAFCO to begin the collaboration process. The District could consider adopting the same or substantially similar voting districts of another public agency in Imperial County that has seven districts, such as the Imperial Community College District, as long as the District Board views those voting districts as providing “for voter representation in accordance with demographic, including population, and geographic factors of the entire area of the District.”</p>
<p style="text-align: center;">July 1, 2024 (Mandatory)</p>	<p>The District Board shall adopt a resolution to divide the District into seven voting districts, number the voting districts consecutively, and establish the voting districts. This shall be done in collaboration with the Imperial County Local Agency Formation Commission (“LAFCO”). The Board shall provide for voter representation in accordance with demographic, including population, and geographic factors of the entire area of the District.</p> <p>(Health & Saf. Code, § 32499.7(a)-(d).)</p>
<p style="text-align: center;">July 1, 2024 (Mandatory)</p>	<p>The District Board shall determine the years that the voting districts and associated Board positions will be up for election, in collaboration with LAFCO.</p> <p>(Health & Saf. Code, § 32499.6(c)(2).)</p> <p>NEXT STEP: Contact LAFCO to begin the collaboration process (see our recommended next steps above to establish voting districts).</p>
<p style="text-align: center;">July 3, 2024 (125 days before the general election) (Mandatory)</p>	<p>The District Board Secretary shall deliver a signed notice to the county elections official, with the District seal, that contains both of the following:</p> <ul style="list-style-type: none"> ● The elective offices of the District to be filled at the next general district election, specifying which offices, if any, are for the balance of an unexpired term.

	<ul style="list-style-type: none"> ● Whether the District or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code section 13307. <p>(Health & Saf. Code, § 32100.5; Elec. Code, § 10509(a).)</p> <p>NEXT STEPS: Prepare the notice (legal counsel can assist). Add an item to an upcoming Board meeting agenda authorizing and directing the Secretary to execute and deliver the notice to the County.</p>
<p>August 9, 2024</p> <p>(88 days before the general election)</p> <p>(Mandatory)</p>	<p>The District Board shall finalize its recommendation for a permanent funding source mechanism for the District to be presented to and approved by voters via ballot measure, using the financial feasibility studies conducted by LAFCO and Kaufman Hall (see next task).</p> <p>(Health & Saf. Code, § 32499.6(c)(3); Elec. Code, § 10403(a).)</p> <p>NEXT STEP: Coordinate with LAFCO and Kaufman Hall regarding funding source mechanism and options for prospective sole community hospital increases in Medicare reimbursements.</p>
<p>August 9, 2024</p> <p>(88 days before the general election)</p> <p>(Mandatory)</p>	<p>The District Board shall adopt a resolution that does all of the following, and file it with the county board of supervisors with a copy to the county election official:</p> <ul style="list-style-type: none"> ● Requests that the District election be consolidated with the statewide election. ● Sets forth the exact form of the question or proposition to be voted upon at the election (i.e., regarding the permanent funding source mechanism), as it is to appear on the ballot. The question or proposition to appear on the ballot shall conform to the Elections Code governing the wording of propositions submitted to the voters at a statewide election. ● Acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418. <p>(Health & Saf. Code, § 32100.5; Elec. Code, § 10403(a).)</p> <p>NEXT STEPS: Prepare the resolution (legal counsel can assist). Add an item to an upcoming Board meeting agenda authorizing and directing the Secretary to execute and deliver the resolution to the County.</p>

<p>August 9, 2024 (88 days before the general election)</p> <p>(Mandatory)</p>	<p>Deadline for District Board candidates to file declarations of candidacy with the office of the county elections official. One Board member shall be elected by the electors of each voting district. A person shall not be eligible to be a Board member 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. A member of the initial Board appointed pursuant to Health and Safety Code section 32499.6 shall <u>not</u> be eligible to become an elected Board member for the first round of elections for each respective Board seat.</p> <p>(Health & Saf. Code, §§ 32100.5; 32499.7(e); Elec. Code, § 10510(a).)</p> <p>NEXT STEP: Once the seven voting districts have been established, begin advertising the seats that will be up for election on November 5, 2024.</p>
<p>October 8, 2024 (within a year of District formation)</p> <p>(Mandatory)</p>	<p>Initiate the process of applying for any licenses and certifications that cannot be transferred to the District upon the acquisition of the El Centro Regional Medical Center.</p> <p>(Health & Saf. Code, § 32499.6(c)(4).)</p> <p>NEXT STEP: Hire a staff member or engage a consultant to begin researching which licenses and certifications cannot be transferred.</p>
<p>November 5, 2024</p> <p>(Mandatory)</p>	<p>General election for voting on the permanent funding source mechanism for the District and for several members of the Board by voting district.</p> <p>(Health & Saf. Code, §§ 32499.6(c)(3), 32499.7(a)(1).)</p>
<p>November 5, 2024</p> <p>(Mandatory)</p>	<p>The District Board shall finalize the terms of acquiring the El Centro Regional Medical Center. Upon reviewing the financial feasibility studies conducted by LAFCO and Kaufman Hall and confirming the financial viability of integrating the El Centro Regional Medical Center into the District, the Board shall determine the terms of the acquisition of the hospital. If the Board chooses to acquire the El Centro Regional Medical Center, the hospital shall be acquired with all of its assets and liabilities, including the collective bargaining agreements and retirement plans. The District shall enter negotiations with the hospital to decide the terms of the acquisition. The City of El Centro shall negotiate in good faith with the District, but is not required to sell the hospital to the District or agree to the terms that the District finalizes.</p> <p>(Health & Saf. Code, § 32499.6(c)(4).)</p>

<p>July 1, 2024 – January 1, 2025</p> <p>(Mandatory)</p>	<p>The Board shall recommend to LAFCO a dissolution date during this timeframe for Pioneers Memorial Healthcare District.</p> <p>(Health & Saf. Code, § 32499.6(c)(5)(A).)</p>
<p>July 1, 2024 – January 1, 2025</p> <p>(Mandatory)</p>	<p>The Board shall recommend to LAFCO a dissolution date during this timeframe for Heffernan Memorial Healthcare District.</p> <p>(Health & Saf. Code, § 32499.6(c)(5)(A).)</p>
<p>December 31, 2024</p> <p>(Mandatory)</p>	<p>The District shall submit an annual report to LAFCO regarding health care service provision within the boundaries of the district, using the indices outlined in Government Code section 56430(a)(1)-(6)</p> <p>(Health & Saf. Code, § 32499.8(a).)</p>
<p>January 1, 2025</p> <p>(Mandatory)</p>	<p>The District shall hold at least two additional Board meetings by this date:</p> <ul style="list-style-type: none"> ● During the first public meeting, the Board shall inform the public of the recommended permanent funding source mechanism for the District. ● During the second public meeting, the Board shall inform the public about the acquisition of the El Centro Regional Medical Center. <p>If the Board votes to acquire the El Centro Regional Medical Center, the Board shall hold a third meeting where the Board shall disclose the terms of the acquisition to the public and present a financial plan to finance the acquisition and ongoing operations of hospitals in the District.</p> <p>(Health & Saf. Code, § 32499.6(c)(6)(B)-(D).)</p> <p>NEXT STEPS: See steps above regarding the permanent funding source mechanism and potential acquisition of the hospital.</p>
<p>January 1, 2025</p> <p>(Mandatory)</p>	<p>LAFCO shall dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District. All assets, rights, and responsibilities of the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District are transferred to the District.</p> <p>(Health & Saf. Code, § 32499.95(a)-(b).)</p>

<p>December 31, 2025 (Mandatory)</p>	<p>The District shall submit an annual report to LAFCO regarding health care service provision within the boundaries of the district, using the indices outlined in Government Code section 56430(a)(1)-(6).</p> <p>(Health & Saf. Code, § 32499.8(a).)</p>
<p>December 31, 2026 (Mandatory)</p>	<p>LAFCO will conduct a municipal service review regarding health care service provision within the boundaries of the district pursuant to Government Code section 56430.</p> <p>(Health & Saf. Code, § 32499.8(b).)</p>
<p>2028 General Election (Mandatory)</p>	<p>The District Board shall consist of all elected members by this time.</p> <p>(Health & Saf. Code, § 32499.6(e).)</p>
<p>No Deadline</p>	<p>The District Board may establish a nonvoting community advisory committee consisting of at least seven community members of the County of Imperial in the health care industry, including:</p> <ul style="list-style-type: none"> ● A member with an active medical license who is employed by a hospital or clinic in the County of Imperial. ● A promotor or promotora. ● A health care worker from a federally qualified health center in the County of Imperial. ● A member from a health related or environmental justice nonprofit group in the County of Imperial. <p>The nonvoting advisory board may be dissolved at the discretion of the board of directors.</p> <p>(Health & Saf. Code, § 32499.6(g).)</p>

Recommended Policy List:

- Next BOD Meeting (Date TBD)
 - o IVHD Bylaws
 - o Conflict of Interest Code
 - o Business Expense Reimbursement; Ethics Training
 - o Duties of Board of Directors

- Following BOD Meeting (Date TBD)
 - o Comprehensive Code of Conduct
 - o Maintenance of Confidentiality by Directors
 - o Public Comments at Board Meetings

We look forward to discussing these tasks with the Board at its next meeting scheduled for March 14, 2024.

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