

ORDINANCE NO. 21-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO UPDATING AND AMENDING IN ITS ENTIRETY CHAPTER 13, ARTICLE III OF THE CITY CODE RELATING TO THE MUNICIPAL HOSPITAL AND ITS BOARD OF TRUSTEES

THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 13, Article III of the El Centro City Code hereby is amended and renumbered to read as follows:

ARTICLE III. - MUNICIPAL HOSPITAL

Sec. 13-31. - Definitions.

Hospital shall mean El Centro Regional Medical Center.

Management Agreement shall mean an agreement executed by the City of El Centro and the single entity appointed as the sole and exclusive manager of the operations and business functions of El Centro Regional Medical Center.

Management Trustees shall mean the two representatives of the Manager that are appointed to the Hospital's Board of Trustees.

Manager shall mean the single entity that has been appointed as the sole and exclusive manager of the operations and business functions of El Centro Regional Medical Center pursuant to the Management Agreement.

Non-Management Trustees shall mean the two members of the City Council (“*City Council Trustees*”) and the five members of the public (“*Public Trustees*”) appointed to the Hospital's Board of Trustees.

Sec. 13-32. - Establishment.

A municipal hospital hereby is established in the City to operate under the name of El Centro Regional Medical Center.

Sec. 13-33. - Transfer of Hospital governance to a Board of Trustees.

Governance responsibilities of the Hospital shall be vested in a Board of Trustees established and appointed pursuant to the provisions set forth here (the “Board”). The Board of Trustees is a public agency separate and apart from the City Council and neither is responsible for the debts or liabilities of the other nor are the employees of the Hospital employees of the City.

Sec. 13-34. – Non- Management Trustees

a. Non-Management Trustees. During all periods when there is Management Agreement and appointment of a Manager in place for the Hospital, the Board of Trustees of the Hospital will be comprised of nine (9) Trustees who may be residents or nonresidents of the City, as follows: two (2) members of the Board shall be current members of the City Council (the “City Council Trustees”), and four (4) members of the Board shall be members of the public (the “Public Trustees”).

i. The City's Mayor, with the consent of the City Council, shall appoint the City Council Trustees and Public Trustees as provided in Section 13-35 and Section 13-36 respectively.

ii. City Council Trustees shall be confirmed on an annual basis following the City Council reorganizational meeting.

b. In appointing non-management Trustees, the Mayor and City Council members are encouraged to take into consideration the following selection guidelines relating to the candidate(s) for appointment: health care knowledge, business knowledge, willingness to serve, legal expertise, medical expertise, education and background, investment/financial expertise, other Board or governing body membership, current Hospital Trustees’ references, community service, and community leadership.

c. Additionally, the Mayor in the Mayor’s discretion may request that the Hospital Board of Trustees review any or all of the applications from members of the public for appointment to the Board and make a recommendation thereon to the Mayor. The recommendation shall be limited to whether, in the opinion of the Board, each candidate is highly qualified, qualified, or not qualified to serve effectively on the Board.

Sec. 13- 35. - City Council Trustee Terms and Vacancies.

(a) There is no limit to the number of terms that may be served by a City Council Trustee as long as the Council member remains in office and is reappointed to the Board.

(b) The term of office of any City Council Trustee shall end at such time as the Council member no longer holds office or that Council member is not reappointed to the Board of Trustees.

(c) Notwithstanding any other provision of law, the term of any City Council Trustee shall expire if that that City Council Trustee is absent from three consecutive regular meetings, or from three of any five consecutive meetings of the Board (including but not limited to committee meetings), and thereafter the City Council by resolution declares that a vacancy exists on the Board.

(d) Notwithstanding any other provision of this ordinance or state law, service of the City Council Trustees on the Board of Trustees does not constitute a conflict of interest or incompatibility of office.

Sec. 13-36. - Public Trustee Terms and Vacancies

(a) The Public Trustees shall hold office for a term of three (3) years commencing on June 30 of the year of their appointment. Vacancies shall be filled by appointment for the unexpired term. No Public Trustee shall serve more than four (4) terms, whether consecutive or non-consecutive.

(b) Each Public Trustee shall serve until their term expires or that Trustee resigns or is removed from the Board.

(c) A Public Trustee serves at the pleasure of the City Council and may be removed by the City Council with or without cause in the same manner as he or she was appointed. and as provided in this the Board of Trustees bylaws.

(d) Notwithstanding any other provision of law, the term of any Public Trustee shall expire if that that Public Trustee is absent from three consecutive regular meetings, or from three of any five consecutive meetings of the Board (including committee meetings), and thereafter the City Council by resolution declares that a vacancy exists on the Board.

Sec. 13-37. - Non-Management Trustee Compensation

The Public Trustees and City Council Trustees serve without compensation unless the City Council by resolution provides for their compensation from Hospital revenues in an amount not to exceed \$100/month per Board meeting, and not to exceed five (5) meetings per month or as otherwise allowed by law.

Sec. 13-38. - Management Trustees

(a) The Chief Executive Officer of the Hospital shall serve as a Management Trustee.

(b) The Chief Medical Officer of the Hospital shall serve as a Management Trustee.

(c) The Manager also shall nominate for appointment to the Board one (1) other Management Trustee who: (i) is employed by the Manager, (ii) has at least five (5) years of experience in either hospital administration or the practice of medicine; and (iii) serves in a leadership role within the Manager's organization. If the individual nominated by the Manager meets this criteria, then the Mayor shall appoint that nominee to the Board. The Manager may change the appointed Management Trustee at its sole discretion.

(d) There is no limit to the number of terms that may be served by any Management Trustee.

Sec. 13-39 Status of Board upon Termination of the Management Agreement/Manager

(a) If the Management Agreement and the appointment of the Manager are terminated, then the appointed Management Trustee shall resign from the Board of Trustees concurrently with the termination of the management agreement.

(b) If the Hospital continues to employ or contract with a Chief Executive Officer and/or Chief Medical Officer, then the Chief Executive Officer and/or Chief Medical Officer shall remain as non-voting member(s) of the Board.

(c) The City Council Trustees and the Public Trustees on the Board at that time shall remain on the Board until the expiration of their terms, and the Mayor shall make necessary additional non-management appointments in order to constitute a Board of nine (9) Trustees or such other number as allowed by law.

Sec. 13-40. – Duties of the Board of Trustees.

(a) The Board of Trustees has the powers and duties prescribed by law (Govt. Code Section 37600 et seq) subject to any requirements for City review and approval.

(b) The Board may make and enforce all regulations for the administration, protection, and maintenance of the Hospital and Hospital property as allowed by law.

(c) The Board of Trustees shall meet at least once per month on the Hospital campus on the day(s) and time(s) it fixes by resolution.

(d) The Board of Trustees shall maintain Bylaws for the operation of the Hospital, appointment and governance of the medical staff and conduct of its meetings (among other provisions) which shall govern unless inconsistent with this Chapter or the provisions of state law, including, but not limited to, the Ralph M. Brown Act (Govt. Code Section 54950 et seq.) and conflicts of interest.

(e) The Secretary of the Board of Trustees shall provide the City Clerk with copies of all Board of Trustees agendas at the same time as such agendas are posted and shall provide copies of all other documents upon request of the City Clerk.

(f) On or before October 31 in each year, the Board shall report to the City Council the condition of the Hospital as of the prior on June 30, with a statement of its proceedings for the year.

(g) Copies of Hospital budgets shall be presented to the City Council within thirty (30) days from the beginning of the fiscal year on July 1.

(h) The Board shall adopt a strategic plan for the Hospital. The strategic plan will be reviewed on an annual basis during a combined meeting of the Board and the City Council to be held on or before March 31 of each year. Such meeting may be in closed session as allowed by law.

Sec. 13-41. - Title to property; actions involving property.

(a) Unless inconsistent with the terms of its acquisition, the title to property acquired for Hospital purposes vests in the City. Actions involving the property shall be brought and defended in the name of the City.

(b) If the Board determines that the City has not provided suitable buildings for the Hospital, it may with its own funds purchase real property in the name of the City and erect or rent, and equip such buildings as it deems necessary, subject to prior report to the City Council.

Sec. 13-42. - City services to the Hospital.

The Hospital annually shall budget and reimburse the City for any and all services provided to the Hospital and/or expenditures made or incurred for the benefit of the Hospital by the City.

Sec. 13-43 – 13-69. Reserved

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall take effect thirty (30) days from and after its adoption. Within fifteen (15) days after its adoption, a summary shall be published once in a newspaper, published and circulated within the City, and there shall be posted in the Office of the City Clerk a certified copy of the full text of this Ordinance.

INTRODUCED at a regular meeting of the City Council of the City of El Centro, California, held on the 7th day of September, 2021.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 5th day of October, 2021

CITY OF EL CENTRO

By _____
Cheryl Viegas-Walker, Mayor

ATTEST:

By _____
Norma Wyles, City Clerk

APPROVED AS TO FORM
Office of the City Attorney

By _____
Elizabeth Martyn, City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF EL CENTRO)

I, Norma Wyles, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Ordinance No. 21-05 had its first reading on September 7, 2021 and had its second reading on October 5, 2021, and was passed by the following votes:

AYES: Cardenas-Singh, Viegas-Walker, Marroquin, Garcia
NOES: Oliva
ABSENT: None
ABSTAINED: None

AYES: Cardenas-Singh, Viegas-Walker, Marroquin
NOES: Oliva
ABSENT: Garcia
ABSTAINED: None

By _____
Norma Wyles, City Clerk

