

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



617

FROM: Executive Office

SUBMITTAL DATE:
September 18, 2014

SUBJECT: Resolution No. 2014-197, Authorizing the Advance of Property Tax Revenue to the San Gorgonio Memorial HealthCare District ; District 5/5 [\$2,200,000]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and adopt Resolution No. 2014-197, authorizing the advance of property tax revenue to the San Gorgonio Memorial HealthCare District; and,
2. Approve and authorize the Chairman to execute the attached agreement for repayment of said funds to the County of Riverside.

BACKGROUND:

Summary

Article 16 Section 6 of the California Constitution authorizes a county to lend available funds to a special district, not to exceed 85% of the district's anticipated yearly tax revenue. The loan shall be repaid from that revenue source before the district pays any other obligation.

Rohini Dasika
Rohini Dasika
Senior Management Analyst

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 2,200,000	\$	\$ 2,200,000	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: Property Tax Revenue	Budget Adjustment:
	For Fiscal Year: 14/15

C.E.O. RECOMMENDATION:

APPROVE

BY: *Ivan M. Chand*
Ivan M. Chand 9/22/2014

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: September 30, 2014
xc: EO, Auditor

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

3-4

FISCAL PROCEDURES APPROVED
 PAUL ANGLIO, CPA, AUDITOR-CONTROLLER
 BY: *Esteban Hernandez*
 Esteban Hernandez
 DATE: 9-18-14
 ANITA C. WILLIS
 Departmental Concurrence

FORM APPROVED COUNTY COUNSEL
 BY: *Anita C. Willis*
 ANITA C. WILLIS
 A-30
 4/5 Vote
 Positions Added
 Change Order

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Resolution No. 2014-197, Authorizing the Advance of Property Tax Revenue to the San Gorgonio Memorial HealthCare District

DATE: September 18, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

San Gorgonio Memorial HealthCare District (District) reports that the state's fiscal crisis has resulted in a delay of MediCal program payments, thus creating a perilous financial hardship to the District's hospital. Therefore, the District is requesting an advance of \$2.2 million of its FY 14/15 property tax revenue. The District has agreed to repay the loan, with interest, no later than June 30, 2015 per the attached agreement. Similar advances were provided in FY 08/09, FY 09/10, FY 10/11 and FY 13/14, and have been repaid.

Impact on Citizens and Businesses

Advance of the property tax revenue to the San Gorgonio Memorial HealthCare District will allow the District to continue to provide services to the residents of the area.

1 RESOLUTION NO. 2014-197

2
3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
4 COUNTY OF RIVERSIDE FOR ADVANCEMENT OF FUNDS
5 TO SAN GORGONIO MEMORIAL HEALTHCARE DISTRICT
6

7 WHEREAS, the San Gorgonio Memorial HealthCare District (hereinafter "the District")
8 was formed October 6, 1947; and

9 WHEREAS, the District has encountered an inability to meet current fiscal obligations
10 based upon the State's failure to timely reimburse MediCal claims; and

11 WHEREAS, California Constitution Article 16, Section 6 allows for a transfer of funds, up
12 to 85% of the anticipated revenues accruing to a district; and

13 WHEREAS, such temporary transfer of funds to any political subdivision shall be made
14 only upon resolution adopted by the governing body; now, therefore,

15 BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of
16 Riverside, State of California, in regular session assembled on September 30, 2014 that:

17 1. The Board of Supervisors agrees to advance \$2,200,000 to the San Gorgonio
18 Memorial Health Care District.

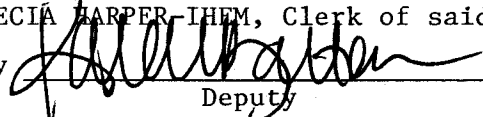
19 2. This advance, with interest, is to be accomplished through execution of an
20 agreement to be administered by the County Executive Officer or his designee.

21 3. The Auditor-Controller is authorized to advance, and no later than June 15, 2015,
22 collect repayment with interest, the funds consistent with the agreement between the District and County.

23 ROLL CALL:

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None

24 The foregoing is certified to be a true copy of a resolution duly
25 adopted by said Board of Supervisors on the date therein set forth.

26
27
28
KECIA HARPER IHM, Clerk of said Board
By  Deputy

FORM APPROVED COUNTY COUNSEL
BY  DATE 9/17/14
DALE S. GARDNER

AGREEMENT FOR

ADVANCEMENT OF FUNDS TO MAINTAIN ESSENTIAL SERVICES
(County of Riverside and San Geronio Memorial Health Care District)

This Agreement is made and entered into by and between the COUNTY OF RIVERSIDE ("COUNTY"), and the San Geronio Memorial Health Care District ("DISTRICT") with respect to the following facts:

A. COUNTY and DISTRICT now wish to enter into an agreement whereby COUNTY will advance \$2,200,000 to DISTRICT.

B. Under this Agreement, DISTRICT will use the funds to continue to provide essential services to the local community; said funds may be used for any normal operating expense of the district which is included in the district's fiscal year 2014-15 budget.

C. DISTRICT represents that \$2,200,000 does not exceed 85 percent of the anticipated revenues accruing to DISTRICT in fiscal year 2014-15.

D. As the Treasurer has the authority under the California Constitution Article 16 Section 6 and this agreement both to transfer and replace funds, Treasurer shall coordinate with the County Executive Officer, who will be the administrator on behalf of COUNTY for this Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

1. TERM: The term of this Agreement shall be July 1, 2014 to June 30, 2015.
2. ADVANCEMENT: The advancement is generally described as a short term advancement provided by COUNTY to DISTRICT and repaid with interest within the same fiscal year.
 - a. COUNTY will transfer to DISTRICT the sum of \$2,200,000 within one week of the full execution of this agreement;
 - b. Both parties will consider this transfer to be an advance of DISTRICT'S anticipated property tax revenue;
 - c. DISTRICT agrees that COUNTY should collect payment(s) toward the advancement by withholding any or all of subsequent tax distributions until the loan is repaid in full;
 - d. DISTRICT agrees to compensate COUNTY for the loss of investment earning by paying interest at the same rate that the county applies to funds of the district on deposit with the county, estimated at \$4,000.

3. PAYMENT: Payment or payments will be made at the time of normal distribution of tax revenue to special districts within the County of Riverside, typically in January, May and July of each year.

DISTRICT agrees to pay interest on the borrowed funds as follows:

- a. Interest expense will begin to accrue on the date that the transfer of funds occurs.
- b. Interest expense will be accrued monthly at the published county pool rate on any unpaid balance owed to COUNTY.
- c. Interest and principal will be paid in full from the January distribution. Should the January distribution be less than the borrowed amount and interest, the remaining balance will be repaid from the May distribution. Should the January and May distributions be less than the borrowed amount and interest, the remaining balance will be paid by DISTRICT no later than June 30, 2015.

4. MUTUAL HOLD HARMLESS. The parties agree to hold each other, their elected officials, employees, contractors and agents mutually harmless from any and all claims, demands and liability, including attorney's fees, arising from each party's performance of this Agreement except to the extent that such liability is caused by the negligence of the other party.

5. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement between the parties with respect to the subject matter hereof and all prior negotiations and dealings pertaining to the subject matter hereof shall be deemed merged herein

6. AMENDMENT. This Agreement shall not be modified except by written consent of the parties.

7. ADMINISTRATION. The County Executive Officer, or his designee, shall administer this Agreement on behalf of the COUNTY.

8. SEVERABILITY. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

10. TERMINATION. After repayment of any advanced amount with interest, this Agreement will be of no further force or effect, with the exception of Section 4, above.

11. ASSIGNMENT. Neither this Agreement nor the duties or obligations under this Agreement shall be assigned by either party without prior written consent of the other party. This does

not prohibit COUNTY however from performing its duties or obligations hereunder by way of subcontract.

12. NONDISCRIMINATION. Except as provided in Section 12940 of the California Government Code, during DISTRICT'S performance of the contract, DISTRICT shall not discriminate on the grounds of race, religious creed, color, national origin, ancestry, age, physical handicap, medical condition including the medical condition of Acquired Immune Deficiency Syndrome (AIDS) or any condition related hereto, marital status, sex or sexual orientation in the selection and retention of employees and subcontractors and the procurement of materials and equipment.

13. NOTICES. All correspondence and notices required or contemplated by this Agreement shall be delivered to the respective parties at the addresses set forth below and are deemed submitted one (1) day after their deposit in the United States Mail, postage prepaid:

San Gorgonio Memorial HealthCare District
600 N. Highland Springs Ave.
Banning, CA 92220
Attn: David Recupero

COUNTY OF RIVERSIDE
4080 Lemon Street, 4th Floor
Riverside, CA 92501
Attn: Ivan Chand

IN WITNESS WHEREOF, COUNTY and CITY have caused this Agreement to be duly executed on the _____ day of _____, 2014.

SAN GORGONIO MEMORIAL
HEALTHCARE DISTRICT

COUNTY OF RIVERSIDE

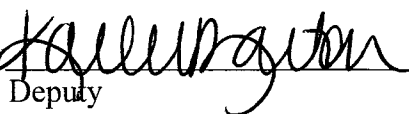
By _____
Chief Financial Officer

By  _____
Chairperson, Board of Supervisors
JEFF STONE

ATTEST:
District Clerk

ATTEST:
Kecia Harper-Ihem, Clerk of the Board

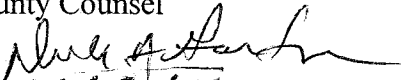
By _____
Clerk

By  _____
Deputy

APPROVED AS TO FORM
Attorney of District

By _____
Attorney of District

APPROVED AS TO FORM
County Counsel

By 
Dale A. Gardner
County Counsel

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: GARRY GRANIT

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 30 SEPT 01 4 **Agenda #** 3-4

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Paul Jacobs

Address: _____
(only if follow-up mail response requested)

City: Temecula **Zip:** _____

Phone #:

Date: 9/30/14 **Agenda #** 3-4

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.