

**THE HEFFERNAN MEMORIAL HEALTHCARE DISTRICT MET IN REGULAR SESSION ON THE 20<sup>th</sup> OF JUNE 2018 AT THE 601 HEBER AVE. CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED OR THE HOLDING OF SAID MEETING.**

**TO CALL ORDER:**

The meeting was called to order at 5:30p.m. by Hector Martinez and led those present in the pledge of allegiance.

**ROLL CALL-DETERMINATION OF QUARUM:**

Chairperson	Hector Martinez
Vice Chairperson	Gloria G. Romo
Secretary	Sylvia Bernal
Chief Financial	Norma M. Apodaca
Trustee	Rodolfo Valdez

**GUESTS:**

Eduardo Rivera- Attorney  
Brenda Ryan-Board Clerk

**APPROVAL OF AGENDA:**

Board Member Bernal would like to add closed session on to the agenda because it was tabled at the last meeting and the matter that has to be discussed is important. Mr. Rivera and Mrs. Bernal stepped out to discuss the matter.

Mr. Rivera reported that the matter Board Member Bernal advised him that she wanted to discuss in executive session is a fairly complicated matter considering possible improper use of funds and believes it is urgent and if it was tabled at the last agenda and based upon the urgency and the nature of the issue then he would ask the board whether or not would add to the agenda in closed session under potential litigation and it would it would be improper to name the parties at this time because it might jeopardize the districts legal position.

Motion was made by Board Member Bernal and second by Board Member Apodaca to approve adding closed session under potential litigation on the agenda for June 20, 2018. Motion passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez  
NOES: None

Board Member Bernal informed that there has been a misunderstanding that there were two types of proposal. One was the asthma and the other was diabetes. Dr. Kelada reported that she had sent both proposals but it seems that only one was placed on the agenda and that was the asthma program and so far they have not reached a conclusion she on the asthma program yet and so there is nothing to be discussed at this time. Mr. Olmedo did not come back to tell her what his plans are. Brenda informed Mrs. Kelada

that Mrs. Romo gave the proposals to make copies and as I requested them I only received one. I do not know what she turned in to our bookkeeper but when I requested those copies that were all I received. I had the asthma proposal and that is why I only added this item to the agenda. The information will be submitted to the secretary to add to the next agenda.

Motion was made by Board Member Bernal and second by Board Member Romo to approve adding the closed session and deleting item 11F. Motion passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez

NOES: None

### **PUBLIC COMMENT TIME:**

Javier Gonzalez from the Calexico Health and Safety Community Coalition is here to report that Mayor Hurtado has awarded about 25 mayoral awards to everybody that helped out with the first Calexico Earth and Harbor day celebration. It was a pretty nice event and is very grateful that the district was there to help and they are here to present the award to the district.

### **CONSENT CALENDAR:**

Motion was made by Board Member Bernal and seconded by Board Member Apodaca to approve the minutes for May 2, 2018 and May 7, 2018 and May 15, 2018. Motion passed by the following wit:

AYES: Martínez, Romo, Bernal, Apodaca Valdez

NOES: None

### **REPORTS ON MEETING AND EVENTS ATTENDED BY DIRECTORS AND AUTHORIZATION FOR DIRECTOR ATTENDANCE AT UPCOMING MEETINGS AND EVENTS/DIRECTORS COMMENTS**

Board Member Valdez attended the Father's Day dance that was promoted by Heffernan and it was a well put together program. There was food, music, decoration and a lot of people attended. It was very enjoyable to see the people there especially the senior citizens attending and having a good time.

Board Member Romo attended a meeting with Assemblyman Eduardo Garcia on June 9<sup>th</sup> for the shades for the 5 parks. She needs the money and it is possible that first the city of Calexico receives this money and then on official form she needs for Heffernan to request this money for the shades. Estela Jimenez she supports this process and this is going to be very long process. She also attended the Calexico High School Scholarships.

Board Member Apodaca attended the same events as the other directors. She attended the Calexico High School Scholarships.

Board Member Bernal attended the same event the Calexico High School Scholarship. It was a real nice event. Also with the permission of our Board President she met with Mr. Heuberger because of the letter he sent to us on June 11<sup>th</sup> there were some questions there that he was concerned about and one of them

was high school scholarships. He wanted to find out what we were doing with the scholarship and Mrs. Bernal told him that she was going to send him the format and the applications that we use for the scholarships so that he would see what it is that we do and she also told him that it was related to medical field and he got a clear picture of what was going on. She guesses that we have to treat Mr. Heuberger is a board member and send him all the backup information when we do whatever we do to be approved. One concern that he had was because the letter was written with the letterhead of the city of Calexico and she mentioned it to Erica to the last meeting that it needed it needed to be on the Calexico Unified School District but she also told Mr. Heuberger to read at the bottom where it said that the check was going to issue to the Calexico Unified School District because they were going to be handling it. Another thing that he questioned was that he said right now at this point we cannot give any money to the city of Calexico for any other activities and the reason for that is because the city of Calexico has not turned in their service area plan for the last 9 years. Until they receive that then they will make a decision what monies we can give. She wants to make that clear because she knows that Sandra is on the agenda right now and this is something that LAFCO has been asking for a long time and apparently he has already spoken to whoever he is supposed to speak too. He did say that once he gets that service area plan then he would see if we can approve any of their programs. He directly said that and he also said in our resolution letter that we have under item number 4 direct that HMHD not to be allowed to subsidize the city of Calexico in any fashion unless and until approval of LAFCO is first obtained. He also said that he wanted to come down to explain the resolution and maybe we can have him come down to our next regular meeting.

#### **COMMENTS BY TONY PIMENTEL**

Mr. Pimentel items are on the agenda to discuss.

#### **COMMENTS BY GENERAL COUNSEL:**

Mr. Rivera reported that tomorrow the oversight committee for the city of Calexico redevelopment agency which was dissolved 2-3 years ago is going to have its last meeting.

#### **DISCUSSION/ACTION ITEMS:**

1. Discussion and/or action on Imperial Valley Medical Clinic/AA Group the use of the Heffernan facility for more days.

Mr. Campos is requesting to more days to use the facility. The days would be Monday, Thursday, Friday and Saturday.

Motion was made by Board Member Apodaca and second by Board Member Romo to approve the two extra days they are requesting 8pm-10pm Monday and Thursday in addition to the other days he already has totaling 4 days. Motion not passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez

NOES: None

2. Discussion and/or action on continuing to fund the Hosanna Foundation Program for the amount of \$69,240.00.

Motion was made by Board Member Romo and second by Board Member Bernal to approve the Hosanna Foundation Program subject to review by LAFCO for the amount of \$69,240.00.

Motion not passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez

NOES: None

3. Discussion and/or action on continuing to fund the Senior Health & Wellness Program for the amount of \$50,000.00.

Motion was made by Board Member Romo and second by Board Member Valdez to approve the Senior Health & Wellness Program subject to review by LAFCO for the amount of \$50,000.00. Motion not passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez

NOES: None

4. Discussion and/or action on funding the Wellness for Kids Program for the amount of \$160,000.00 and consideration and authorization to rent new and bigger facilities at no additional cost at 439 E. Birch street for the grant program.

Dr. Tristan thanked the board for having her here again and she knows that last time she was here it was not a friendly one. She apologized that at that time some of you made her feel uncomfortable. She thinks that at that time she was a little bit frustrated and that was the reason why she had probably decided to leave but after some reconsiderations and because before putting herself she needs to put the patients and the family that they have about 100 patients that they are serving and she was putting at risk their treatment because it is not going to be easy to fund by herself and putting also the wonderful team Heffernan Wellness 4 Kids has and making them work harder as they are already working. It was not fair so before her personal feelings she thinks that it's the program that needs to continue working as we have the last two and a half years with Heffernan support and has been successful and thank you to those that supported the program. Also after talking to some of the members that kindly went to talk to her like Mr. Martinez, Mrs. Bernal and Mrs. Apodaca and also Mrs. Romo that talked to Patty and she felt the support Heffernan had for the program. She thinks that we need to continue working together and she is bringing back the proposal to support the program that has already served more than 200 families. We have been working with this program not only two and a half years. We have been working with this program for more than five years. It is a successful program and we are helping the community and they are also helping the community find obesity.

Board Member Valdez informed Dr. Tristan that besides being told that the program has been successful he would like to see reports. He has been asking for reports and apparently he has only seen a couple. In order for him to consider this program he would like to see more reports and in regards to the instructors he would like to see what credentials or certificate, diplomas or degrees they have so they can merit the amount of money they are getting. In regards to moving to the second location he thinks that since she has an ownership or a small part on that building he sees it as conflict of interest unless she forfeits that interest or that money she gets from that building. Dr. Tristan informed Mr. Valdez that the rent is almost for \$3,000.00 so what the program is going to pay is the same amount as they are paying \$1,200.00. That percentage that she has is what brought down the price to \$1,200.00 so you are not spending more money than the program is already. As far as the information we gave a report for the last two years and a half if you see it in your email. She sent the report so you do have that but if you want her to resend it

again she can. Board Member Valdez informed Dr. Tristan that what he is talking about is having a report every month. Dr. Tristan informed Mr. Valdez that you get a report every month with pictures and everything. Board Member Valdez informed her that he has seen those pictures and expenses but has not seen any medical or how much the kid weight they lost, has he been doing any good or making any progress. Those are the kind of reports he is talking about. Dr. Tristan informed him that he will have those too and you have had them for the last two years in a half monthly by monthly you will not see changes in the kids because they grow but if you want to see monthly in weight they have it available for every month in each kid. They weigh them every month and they can have those reports too and are available and they are open to the public so you will have that. Patty reported that all credentials had been given to Rosario since they started the program. The personal trainer's credentials, CPR training has been turned in. Board Member Martinez informed everyone that all that is already here. Board Member Valdez informed Dr. Tristan that he know that they asked for them in the past but they were brought into the office and we never saw them and it was never presented to them. Board Member Martinez informed Mr. Valdez that those are here. Board Member Valdez replied with yes they are here but the board asked for them and the board should be able to see them not just bring them to the office on put it on a shelf. Board Member Martinez informed Mr. Valdez that he can access those documents. They have been here since the program started. Board Member Bernal informed the board that she thinks that in one point in time there was a concern and she remembers that because when she was the president she was the one going over the reports and looking at them and then the board had said that they wanted to be able to see them. Well what they did was the report Rosario would leave it out there for anybody who wants to come in and look at it and its done monthly before they even pick up their check they have to turn in this report and anybody is welcome Mr. Valdez and its always done just before the new month comes up and it's there with everything. Usually what we do when we been coming in we sign that we saw it and that was she was doing at first but not everybody and she knows he works and is busy and know he doesn't have time like those that don't work to come in her and understands that situation but it's there and we have the filing cabinet with every program that we have not just for our board members but for the public too if anytime they would like to come in and see our expenses or what we are doing with the programs but it's there.

Board Member Romo asked if this program is Dr. Tristan's 100% or Heffernan's. She does not understand because Dr. Tristan says in other letters or whatever letters says it's my program, my program. She is confused. She was shocked when Dr. Tristan ended the program and she stayed thinking and really worried and she commented this to Mrs. Bernal and asked the attorney if they finish the program is it possible for Heffernan to continue this program? Mr. Rivera replied with yes and Mrs. Romo asked for what, because the program is for Heffernan or Dr. Tristan? Mr. Rivera replied that we cannot take over her patients. You would continue the program with another contractor but all of her patients and all of the work that was done are hers. The medical records are hers. Yes it's our program and we can continue it.

Dr. Tristan explained that this is a medical program and it has to be developed by a physician because these are patients that have a medical problem. Obesity is a medical problem and they have serious condition related to obesity. We manage them and we refer them to the program for nutrient, exercise or what is needed. You can run the program like this, you can follow, and you can copy what we do because it is available for everybody. It is not a secret but you have to have a physician to refer patients. We already have the patients, we know the physicians. Our patients come with us and we refer them to the program that we want and if we have the program we continue with our program. If those patients want to go to your program that you are going to create you are going to have to find the physician, you are going to find the referral base that we already have and you bring the patients to you to continue with the program with the name. If

she takes her patients and continues with the program she has to change the name. It's not going to be Heffernan but her program continues. Her patients are her patients and the patients that are from other physicians they will refer to her if they want or refer to your program that you want to create. You can have your program and continue with other people if you want to hire another physician you can do but they will have to ask for patients because they will not have anybody. These patients are already in our program and we continue with them if they want to come with us. Board Member Romo stated that whatever doctors is possible working with this program. Dr. Tristan replied with yes you can hire any physician and also find someone that doesn't charge you anything like she does. Board Member Romo replied that this is not only for Dr. Tristan whatever doctors from El Centro, Brawley with attendance of children from Calexico. Another comment Board Member Romo has is that she agrees with Mr. Valdez in the conflict to interest for the building and in her opinion let's not do good things that look bad. She does not agree with the change for this other but Dr. Tristan provides this building with no cost maybe she will like it because it is for savings. Dr. Tristan informed the board that it is not her building and cannot provide it for free but her part can be waived and that is why you are getting the price of \$1,200.00 so you can consider that. Now she is not doing things that are wrong or look right or the opposite because before anything happen she brought to the lawyer and she opened it. It is not a conflict of interest because she made it open to everybody. If she is lying and not saying anything and she is bringing you this then there is a problem but she opened this information before making any request. Board Member Romo replied that in her opinion it is conflict of interest and in her opinion also is for her to use the 400 Mary Ave building and it is a very good savings for Heffernan if it is possible to revise in 6 months or 5. This is her proposal. Board Member Bernal informed Mrs. Romo that she does have a very good point that once we get 400 Mary Ave done then we can decide to move them from where they are at and now she is going to ask Mr. Rivera a question. Is it a conflict of interest? Mr. Rivera replied with no. That was all Mrs. Bernal needed to know.

Motion was made by Board Member Bernal and second by Board Member Apodaca to approve the Wellness for Kids Program subject to review by LAFCO for the amount of \$160,000.00 with all the conditions that are here and move into the building they want to move to and once we get 400 Mary Ave they come to us. Board Member Valdez would like to know if he could make an amendment. Board Member Martinez replied with no because there is a motion on the floor. Mr. Rivera informed the board that there is a motion on the floor that should be acted on first. You can suggest an amendment if the maker of the motion wishes to entertain the suggestion you can ask but if they call for the question you can't. Motion not passed by the following wit:

AYES: Martinez, Bernal, Apodaca

NOES: Romo, Valdez

5. Discussion and/or action on the California Wellness Center proposal for the amount of \$365,000.00.

Board Member Bernal needs to abstain on this item.

Mr. Rivera informed the board that they took no action on this item after the last meeting unless there is a change on the votes you can listen to the presentation by Calexico Wellness and you also have a determination letter from LAFCO stating that there is a need for substantial additional information. It is up to the board. The board has already heard the presentation and at our last meeting there was no majority vote, so there was no action taken. The only thing that has changed is that you have a LAFCO analysis and the analysis recommends against consideration and approval subject to additional information being supplied and reconsideration once that information is supplied.

Calexico Wellness did meet with LAFCO and over their questions and gave him clarity as far as the budget. That was one of their main questions. What happen was that when they initially proposed this it was for the year of 2018. They had wanted to open the clinic in April and it was actually opened in June so now they have actual numbers so they presented a revised letter of intent that's from June to December so those number are a lot more realistic then what they had before. They also went over the physicians that are part of the plan and gave them copies of the contracts. Those were the two main things that they wanted clarification on and that meeting was yesterday at 4:30.

Board Member Valdez asked if the total amount requesting is \$365 thousand. They responded that the correct amount that they gave to LAFCO is \$371 thousand.

Board Member Valdez again thinks this is something we should consider because we are supposed to be doing something for the community with health. This has to do with health so he is in favor of it like last time.

Motion was made by Board Member Valdez and second by Board Member Romo to approve the Calexico Wellness Center subject to review by LAFCO for the amount of \$371,000.00.

Motion not passed by the following wit:

AYES: Valdez, Romo

NOES: Apodaca, Martinez

No action taken

6. Discussion and/or action on the Asthma Investigation and prevention of prevention of diseases via multitask committee involved in the program and collaboration with comite Civico Del Valle the purpose of the program with Dr. Kelada for the total amount of \$92,000.00.

This item was moved at the beginning of the agenda.

7. Discussion and/or action on guidelines and LAFCO.

Mr. Heuberger will be attending our next meeting.

Motion was made by Board Member Apodaca and second by Board Member Bernal to approve tabling this item for the next meeting. Motion passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez

NOES: None

8. Discussion and/or action on LAFCO letter concerning the Calexico Wellness Center.

This item was discussed under Calexico Wellness Center proposal.

9. Discussion and/or action on Mary Ave.

Board Member Martinez believes that at the last meeting it was voted to get it appraised and then after that see what we were going to do. He believes that we need to sign somebody do that or hire someone.

Board Member Bernal asked if they could have Brenda go out and see who can come out and appraise.

Board Member Bernal thinks that one of things at this point in time we don't know what the wishes of the board is if either way we are going to sell the place we have to fix it because we can't sell it the way it is. Board Member Martinez informed her that we could but there would be a loss and Mrs. Bernal said it would be to our advantage to fix it.

Board Member Valdez thinks we should sell it and get rid of it. We can fix whatever is wrong with it.

Motion was made by Board Member Bernal and second by Board Member Valdez to approve having 400 Mary Ave appraised. Motion not passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez

NOES: None

Brenda will be getting quotes and will send to the board and they will let her know.

10. Discussion and/or action on Dr. Amalia Katsigeanis recognition.

Board Member Romo is requesting to give this recognition to Dr. Amalia's family.

Mr. Pimentel recommended having a public recognition in with the School District and the city in September with a small plaque.

Mr. Rivera recommends asking the family first.

Motion was made by Board Member Romo and second by Board Member Bernal to approve assigning Mr. Pimentel to go and ask the family for this recognition. Motion not passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca

NOES: None

ABSTAIN: Valdez

11. Discussion and/or action on KSWT-KYMA proposal for the amount of \$700.00.

Motion was made by Board Member Bernal and second by Board Member Apodaca to approve KSWT-KYMA for the amount of \$700.00 per month. Motion not passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez

NOES: None

12. Discussion and/or action on Univision proposal for the amount of \$580.00.

Motion was made by Board Member Bernal and second by Board Member Apodaca to approve Univision for the amount of \$580.00 per month. Motion not passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez  
NOES: None

13. Discussion and/or action on Facebook proposal for the amount of \$750.00.

Motion was made by Board Member Romo and second by Board Member Martinez to approve Facebook for the amount of \$750.00 per month. Motion not passed by the following wit:

AYES: Martinez, Romo  
NOES: Bernal, Apodaca, Valdez

Motion does not pass.

14. Discussion and/or action on the Treasurer Report.

Motion was made by Board Member Bernal and second by Board Member Apodaca to approve the treasurer report. Motion not passed by the following wit:

AYES: Martinez, Romo, Bernal, Apodaca, Valdez  
NOES: None

**ITEMS FOR FUTURE AGENDAS:**

Guidelines and LAFCO  
Appraisals  
Dr. Kelada

**CLOSED SESSION:**

No action taken in closed session.

**ADJOURNMENT:**

With no future business to discuss Board Member Bernal made motion to adjourn the meeting at 7:22pm. Second by Board Member Apodaca. All in favor.