

THE HEFFERNAN MEMORIAL HEALTHCARE DISTRICT MET IN REGULAR SESSION ON THE 3rd OF APRIL 2019 AT 608 HEBER AVE. CALEXICO, CA. CITY OF CALEXICO ON THE DATE, HOUR AND PLACE DULY ESTABLISHED OR THE HOLDING OF SAID MEETING.

TO CALL ORDER:

The meeting was called to order at 5:36p.m. by Gloria Romo and Eduardo Rivera led those present in the pledge of allegiance.

ROLL CALL-DETERMINATION OF QUARUM:

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

GUESTS:

Tomas Virgen-Executive District Manager
Eduardo Rivera- Attorney
Brenda Ryan-Board Clerk
Tony Pimentel-Public Relations

APPROVAL OF AGENDA:

Board Member Valdez would like to ask to add Proactive request that we discussed on our last meeting and it's not the agenda. There was supposed to of been 3 proposals or 3 suggestions from the district manager. We finally got them yesterday so he would like to add that to the agenda.

Board Member Grijalva will also like to amend the agenda to add the autism foundation for Calexico. This event is April 11 so we need to do this right now.

Attorney Mr. Rivera informed the board that as to both, you cannot add them on. Mrs. Grijalva informed Mr. Rivera that in the past we have amended agenda's. Mr. Rivera informed the Mrs. Grijalva that we are not going to amend the agenda within 72 hours of the required brown act requirement. Therefore the only option you have is to wait for the next meeting or call for a special meeting. Both items require expenditure of funds and for you to add them without giving any news to the public is in proper. Last week the district order of appeals spoke directly on this issue that it was just improper.

Board Member Romo asked if one was a mistake because the information was on Wednesday for Autism and Proactive. Mr. Virgen responded that we were under the impression that it was late and that is why we did not include it because we thought it was late.

Board Member Grijlva asked if we have a special meeting then Mr. Heuberger is going to get after us because we can't have special meetings. Mr. Rivera replied with he does not believe so, but you can't add an item on the agenda where you are going to add money without placing it and giving the public

notice and you have to give 3 day notice and that wasn't done for both items the expenditure of money required notice of the amount that is being asked for and it has to be 3 day notice. You just can't do it. It's improper and thinks that anybody who looks at the issue is going to say that it is improper. Board Member Romo asked if it is improper or illegal and Mr. Rivera replied that both. In other words if you were to take action our subject to just like what happen with the clinic here that they filed a notice that we were in violation of the brown act. Remember what a series of events that was so any ways the easiest thing is to have it placed on the next agenda or you can call a special meeting. Board Member Valdez asked that even if they have been discussing for example Proactive we have been discussing the last 2 meetings. Mr. Rivera replied that we have been discussing this for the last 2 meetings therefore we should give 72 hours' notice and it wasn't done and it's just as simple as that. It wasn't done and you need 72 hour notice. The public has no notice except for those here in the meeting. He is sorry to have to emphasize that but that is what the brown act calls for and you are going to face some allegation that you violated the brown act and you don't want that to occur. It's improper and as Mrs. Romo says its illegal especially since your acting upon the expenditure of money and a substantial amount. He understands your frustration but that is what happens unfortunately. Board Member Grijalva asked that even though Proactive has a contract we can't vote to continue it. Mr. Rivera replied with no, we have to place it on the agenda and that was posted here and it was sent out to I don't know how many people, to the press, the city library, chamber of commerce and he is sure Mr. Heuburger also received it. There is just not justification and he just happen to of been reading a district court of appeal that came out on the 26th of last week and it specifically address that. You knew about, you had discussed it and you did not place it on the agenda therefore you can't add to the agenda because there was knowledge that it should have been added to the agenda and you can't even justify as an unknown matter that accrued after the agenda was posted. This has been going on for so long that it should have been on the agenda and there was a mistake and unfortunately you cannot correct it by the way you wish to correct it by adding it onto the agenda.

Board Member Valdez read under consider approval of the agenda it says also, items that arise after the posting of the agenda may be added by a 2/3 vote of the Board. Mr. Rivera replied that it was correct but that mean that it is something you did not know anything about and that there is a necessity to act on it after the agenda was posted. You can't even make that argument because you have been discussing this for the past 2-3 weeks or meets etc., so there is no justification that you did not know about it and therefore it arose after the agenda. This arose before the agenda and there is just no question about that. It was not placed on the agenda. You are going to be supposedly asked to spend money and you are not giving notice to the public that you are going to spend money and you are not giving notice to the public that you are going to spend that money therefore the public can't come and say I don't want you to spend that much money on this program. You have to give them notice and for you to add it the agenda you do not know how many people would have come to the meeting and addressed the issue but chopping that off by adding it on to the agenda. Mr. Valdez it is a very clear issue and there really isn't any doubt about this.

Board Member Romo asked if this is an emergency or no and Board Members Martinez and Valdez replied no.

Board Member Apodaca believes that what Mr. Rivera is doing is protecting the district to do things right and she will except his advice and follow his direction and do a special meeting or put it on the next agenda. Board Member Martinez agrees with Mrs. Apodaca.

Board Member Valdez would like to know when we can set up a special meeting. Board Member Martinez would like to know why this is an emergency. Mr. Valdez replied that they gave instruction to the district manager to present us with 2 or 3 proposals to see if the board wishes to continue the program and we were going to vote on it this meeting. So, the proposal did not come in and he does not know why when the committee met to approve the agenda they did not include it to the agenda. It was just proposals to see if the whole board wished to approve the program. Mr. Martinez asked that in this case you're saying it could fall on the committee or the district manager. Mr. Valdez replied that the committee he does not know why they did not put this on the agenda because it wasn't a matter of discussion or more negotiation with the program. It was just a matter of getting the proposal and bring them to us so we can vote on. He does not understand why it was not on the agenda. Board Member Grijalva informed Mr. Valdez that it was discussed and we did say to add to the agenda and there was going to be three choices to select one. Mr. Virgen informed the board that it was discussed at the meeting and it was said that if A this is what you do or if B this is what you do and it was B and that was not going to be on the agenda. There were text messages and emails on what we received to the committee and that is what happened.

Motion was made by Board Member Martinez and second by Board Member Apodaca to approve the agenda for April 3, 2019. Motion passed by the following vote wit:

AYES: Romo, Valdez, Apodaca, Grijalva, Martinez

NOES: None

PUBLIC COMMENT TIME:

Javier Gonzalez thanked Mr. Rivera for reminding the board about the rules because it is very important that we know because we are trying to get a partnership here for our community. They canceled the Arbor celebration day 2 weeks ago because they did not see a partnership. They are not here for just a 1 day celebration or to get credit on Facebook. He has 2 reports to present but one he could not print so he will email that report. The event was canceled but they ae planning and they are not here for the money. They want involvement and they did not see that nor from the city. That is why they canceled it.

Karina Kuljacha from Auti Foundation thanked the board for their support. The event was yesterday and there were about 50 people who attended and it was a good event and hopes the board will continue to support them on future events.

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

Board Member Martinez reported that he attended the Estes Park Institute in Phoenix Arizona. He was only able to attend 2 days however the information that they gave was very interesting and very different of what he expected. It was very informative.

Board Member Valdez reported that he also attended the Estes Park Institute in Phoenix. It was interesting and very good conference.

Board Member Grijalva also attended the same conference in Phoenix. She also attended the event for autism yesterday and that is where she first learned that there were over 500 families in Calexico with an autistic child and that is brand new to her and new nothing about the program.

Board Member Romo also attended the conference in Phoenix. It was a very good conference to attend.

COMMENTS BY TONY PIMENTEL

Mr. Pimentel reported that he will be working the website and it will be down for about 1 week. The support for the autism is uploaded to the website. He has a meeting with Mrs. Chin to review the marketing that she is doing and we are planning an open house in May here at the district. He will be contacting the company to fix the damaged equipment at the parks.

COMMENTS BY EXECUTIVE DISTRICT MANAGER:

Mr. Virgen reported that he a lot of meetings the last couple of meetings but some of the important ones was he did meet with Calexico High School and had multiple conversations with the today. Only 4 people applied out of the 20 scholarships that we offered to the high school. Meeting with somebody from the Calexico School District they did have some concerns. They wish that maybe we could be a little more lenient on the GPA that we were requesting even if it's to 3.0. According to the person that he spoke with and that is the counselor who said that was the only people that applied. They received 4 packets. Something's that we can do is maybe make the application a little more simple. He will be sharing the applications with the committee to discuss if they met the criteria.

The thing he discussed with the high school is the swimming program. The summer school is here and what time do we have here. It looks like this year we have 2 1/2 weeks that's short but of course there is 6 weeks. But they are talking about doing it during the day for the seniors. One of the things they recommended is why not do something for the seniors like aerobic some activities to get them more active and do more of a bigger market campaign for that.

Mr. Virgen also had a good meeting with the IV Cancer program. He will be talking to Mr. Lewis because they are not utilizing the office back there and there is equipment there that they are not using and he believes that the person that was coming is now working for the marketing department. His conversation with Mr. Lewis was if you don't need that can we move that out because it could break and we do not want to be reliable for that and can we use that room either way if use that room for our self or the IV Cancer program. Mrs. Chin would like to know if they can paint that room to a brighter color that is more in the culture of the people she is helping and if it's okay he is just going to need direction by the board.

The other one we are still obviously working on with hospital partner with the joint recruitment and we can discuss that as move forward.

COMMENTS BY GENERAL COUNSEL:

None

INFORMATION ITEMS:

1. Pool Program

Mrs. Romo informed Mr. Virgen that Fabiola Calderon from the Calexico Unified School District contacted her today and he needs to call her for the pool plan and she has the calendar.

All other comments were done under District Manager comments.

DISCUSSION/ACTION ITEMS:

1. Discussion and/or action on the Sure Helpline Crisis Center.

Motion was made by Board Member Apodaca and second by Board Member Grijalva to approve the Sure Helpline Crisis Center. Motion passed by the following wit:

AYES: Romo, Valdez, Apodaca, Grijalva, Martinez

NOES: None

2. Discussion and/or action on Tony Pimentel's contract as District Publicist.

Mr. Virgen reported to the board that they have met and agreed to this agreement. We had several discussions on it and it's a win win. We are not presenting to you for final approval.

Motion was made by Board Member Martinez and second by Board Member Valdez to approve Tony Pimentel's contract as District Publicist. Motion passed by the following wit:

AYES: Romo, Valdez, Apodaca, Grijalva, Martinez

NOES: None

ITEMS FOR FUTURE AGENDA:

Mega Park

400 Mary

Contracts for the staff

CLOSED SESSION:

No action was taken in closed session.

ADJOURNMENT:

With no future business to discuss Board Member Apodaca made motion to adjourn the meeting at 6:34 p.m. Second by Board Member Martinez. All in favor.